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Report of the Delegates of the United States of America

to the

Sixth International Conference of American States

Held at Habana, Cuba
January 16 to February 20, 1928

WITH APPENDICES

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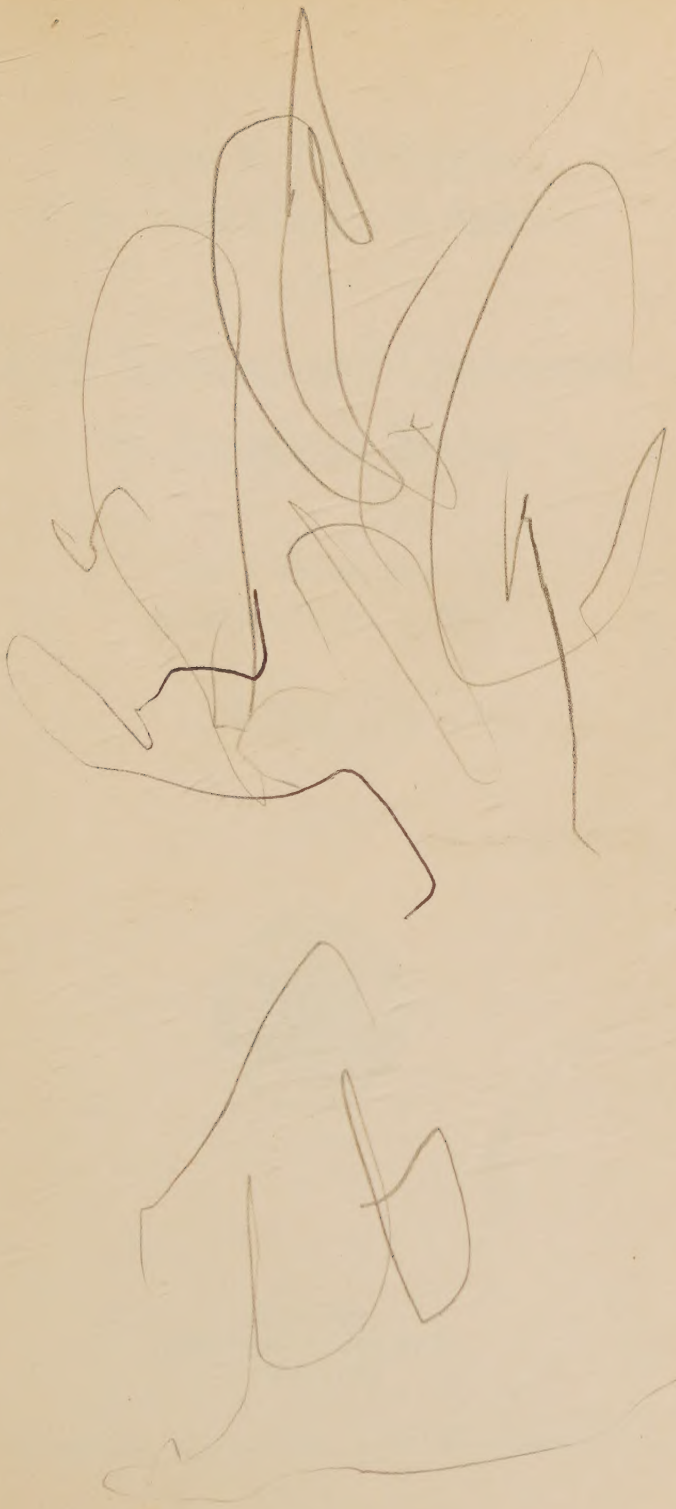

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REPORT OF THE DELEGATES OF THE UNITED STATES OF AMERICA TO THE SIXTH INTERNATIONAL CONFERENCE OF AMERICAN STATES

Held at Habana, Cuba, January 16 to February 20, 1928

WASHINGTON, *March 31, 1928.*

THE HONORABLE FRANK B. KELLOGG,
Secretary of State.

SIR: The undersigned, appointed by the President as delegates of the United States of America to the Sixth International Conference of American States, held at Habana, Cuba, from January 16 to February 20, 1928, inclusive, have the honor to submit the following report:

Most of the delegates (whose names will be found in Appendix 4 of this report) proceeded to Habana on the presidential train which left Washington, Friday, January 13, at 2 p. m. Mr. Morrow came to Habana from Mexico City and Mr. Underwood and Mr. Rowe arrived at Habana some time before the other delegates.

The decision of the President of the United States to address the Conference made the formal opening session an event of world-wide interest. The President's arrival at Habana on Sunday, January 15, accompanied by Mrs. Coolidge, the Secretary of State, the Secretary of the Navy, the Secretary to the President, and most of the members of the delegation of the United States, was the occasion of a great popular demonstration.

On the morning of January 16 the delegates to the Conference assembled at the National Theater situated in the Parque Central of Habana, and were addressed by His Excellency, the President of Cuba, General Gerardo Machado, and by the President of the United States. The texts of these addresses will be found in Appendix 2. Both addresses were distinguished not only by their appropriateness and eloquence, but by the spirit of friendliness and the earnest desire for mutually helpful cooperation which permeated them. The visit of President Coolidge made a profound impression and cannot fail to be of lasting benefit in our relations both to the Cuban people and to all the nations of Latin America.

It is a notable fact that on this occasion, for the first time in the history of the Pan American Conferences, delegations from every republic of the American Continent were in attendance. A full list of the delegations will be found in Appendix 4.

On Wednesday, January 18, a session of the Conference for the purpose of formal organization was held in the Great Hall of the University of Habana. At this session the Secretary of State of Cuba, Mr. Rafael Martínez Ortiz, delivered an address of welcome to which reply was made on behalf of the delegates by Mr. Alejandro Lira, chairman of the Chilean delegation. These addresses appear in Appendix 3.

The Secretary General of the Conference then announced that the Conference would proceed with the election of a permanent President. Mr. Francisco Peynado, chairman of the delegation of the Dominican Republic, nominated Mr. Antonio Sánchez de Bustamante, chairman of the Cuban delegation. This nomination was seconded by Mr. Ricardo Gutiérrez Lee, delegate from Colombia, and Mr. Gustavo Guerrero, chairman of the delegation of El Salvador.

On taking the chair, Mr. Bustamante delivered an address, the text of which will be found in Appendix 3.

The President of the Conference then announced that the next business would be the appointment of a Committee on Credentials and proposed that this committee be made up as follows: Mr. Raúl Fernandes, of Brazil; Mr. Juan José Amézaga, of Uruguay; and Mr. Santiago Key Ayala, of Venezuela.

The Conference then proceeded, in accordance with the provision of Article 2 of the regulations, to determine by lot the seating arrangements for delegations in the hall of the Conference. As a result of the drawing the order was established as follows: Perú, Uruguay, Panamá, Ecuador, Mexico, El Salvador, Guatemala, Nicaragua, Bolivia, Venezuela, Colombia, Honduras, Costa Rica, Chile, Brazil, Argentina, Paraguay, Haiti, Dominican Republic, United States of America, and Cuba.

The chairman of the Peruvian delegation thereupon proposed votes of thanks and congratulations to the President of the United States and to the President of Cuba for their addresses at the opening session, the texts of which will be found in Appendices 79 and 80. The chairman of the Uruguayan delegation, Mr. J. Varela, followed with a vote of salutation to the University of Habana, the buildings of which were being used by the Conference, and at the same time requested the Conference to approve a motion inviting the members of the various faculties of the University to attend the sessions of the Conference. This motion was unanimously approved after being seconded by Mr. Enrique Olaya, of Colombia.

Mr. José Antezana, delegate of Bolivia, then proposed a tribute to the memory of Woodrow Wilson, which was unanimously adopted. The text of this tribute will be found in Appendix 82.

The Secretary General of the Conference then read a number of cablegrams of congratulation, after which the President of the Con-

ference stated that the time had come for the organization of committees. He announced that, in accordance with the precedents established at previous conferences, a committee composed of the chairman of each delegation would be formed, to be known as the Committee on Initiatives, and that the following additional committees would be organized: 1. Pan American Union; 2. Public International Law and Frontier Police; 3. Private International Law and Uniform Legislation; 4. Problems of Communications; 5. Intellectual Cooperation; 6. Economic Problems; 7. Social Problems; 8. Reports on Treaties, Conventions, and Resolutions. The President of the Conference requested the respective delegations to indicate the distribution of their members on the above-mentioned committees. The chairman of the delegation of the United States of America, Mr. Hughes, proposed that the President of the Conference, Mr. Bustamante, be declared member *ex officio* of all committees. This motion was unanimously adopted.

Mr. Arístides Agüero, member of the Cuban delegation, proposed a tribute to Dr. Guillermo A. Sherwell, which was unanimously adopted. The chairman of the delegation of the United States, Mr. Hughes, in a brief address expressed appreciation for the tributes rendered to the memory of Woodrow Wilson and Guillermo A. Sherwell.

Soon after the opening session the various committees proceeded to the election of their respective chairmen and vice chairmen, as well as the selection of their reporting delegates, known as *ponentes*. The plan adopted was to appoint a general *ponente* for all the subjects entrusted to each committee and then to appoint special reporting delegates for each individual subject. This procedure was adopted by all committees except the Committee on Public International Law, which appointed a series of special reporting delegates, but no general *ponente*. The main duty of the general reporting delegate in such cases was to prepare a report for the plenary session of the Conference which would include the action taken by the committee on all the subjects within its jurisdiction.

The general results of the Conference can be best set forth in describing the work done by each of the committees.

COMMITTEE ON THE PAN AMERICAN UNION
(No. 1)

The Committee on the Pan American Union, on which the United States was represented by Mr. Hughes, Mr. Fletcher, and Mr. Rowe, dealt with the single topic contained in Article I of the program, reading as follows:

Organization of the Pan American Union on the basis of a convention prepared by the Governing Board of the Pan American Union, in accordance with the resolution adopted by the Fifth International Conference of American States on May 1, 1923.

At the first meeting of the committee, Mr. Antonio Sánchez de Bustamante, President of the Conference, presiding, Mr. Enrique Olaya Herrera (Colombia) was elected chairman of the committee, and Mr. Lisandro Díaz León (Paraguay) vice chairman. At the same meeting Mr. J. Varela Acevedo (Uruguay) was designated as reporting delegate (*ponente*).

As a basis of discussion, the committee had before it a project of convention on the organization of the Pan American Union, formulated by the Governing Board of the Union pursuant to the resolution adopted at the Fifth Conference. In submitting this project, the reporting delegate proposed a number of minor modifications, including the addition of the library of the Pan American Union in the list of sections to be established in the Union, and changes in the wording of certain articles.

Two comprehensive proposals containing amendments to the project submitted by the reporting delegate were introduced at the beginning of the sessions by the delegation of Mexico and the delegation of Cuba.

The majority of the amendments proposed by the delegation of Cuba represented a redrafting of certain articles contained in the project formulated by the Governing Board, although two changes of a substantial character were proposed; namely, the insertion in the list of divisions to be established at the Pan American Union of a Section on Labor and a Section on Inter-American Conciliation. In view of the subsequent action of the committee in leaving to the Governing Board the determination of the internal organization of the Union, the proposals of the delegation of Cuba did not figure in the discussions to any considerable extent.

The amendments proposed by the delegation of Mexico were of a more fundamental nature, and represented material changes in the existing organization of the Union. These proposed changes were as follows:

1. That the Governing Board of the Pan American Union be composed of the representatives that the Governments of the American Republics might wish to appoint.

2. That the office of Chairman and Vice Chairman rotate annually among the representatives on the Board, in the alphabetical order of the respective countries.

3. That the office of Director General be renewed annually, each of the Chairmen of the Pan American Committees in the respective countries occupying the post in turn, in the alphabetical order provided for in the selection of Chairman of the Governing Board; and that the Director General shall not accept from the Government of any country other offices or commissions than those of a purely educational nature.

4. A specific declaration that the Pan American Union shall not exercise functions of a political character.

In the general discussion that preceded the detailed consideration of the articles of the project, the delegation of the United States declared that any plan of organization that might be agreeable to the delegations of the other Republics would be entirely acceptable to the Government of the United States; that this Government had no desire that it should be given special privileges in the organization of the Union, that the Secretary of State did not wish for any position of prominence on the Governing Board; and that his only desire was to be considered a colleague and coworker of the other members of the Board in advancing the purposes for which the institution was established.

At the second session of the committee, the delegate of Argentina, Mr. Honorio Pueyrredón, reviewed the history of the Pan-American movement, declaring the economic unity of the republics as one of its principal bases, and concluding with the recommendation that the Governments take measures to reduce high customs barriers which hamper the freedom of inter-American commerce; that the obstacles to the freedom of circulation and participation in commerce of agricultural products be eliminated with respect to all those articles in which such elimination does not constitute a danger to the vital interests of the country and its workers; and that for the purpose of exercising the rights of sanitary police and plant quarantine, the signatory countries adopt an organic rule guaranteeing that the measures that might be taken shall in no case be of an arbitrary nature. He concluded by stating that unless such declarations were inserted in the convention on the Pan American Union, it was uncertain whether Argentina would be able to subscribe to a convention or agree to a resolution on the organization of the Union.

It was decided that declarations of principles should be incorporated in a preamble to precede the convention. Accordingly, the suggestions of the Argentine delegation, as well as other proposals submitted by various delegations, were referred to a subcommittee.

The subcommittee, after several lengthy meetings, submitted the following draft of preamble, which was accepted by the committee:

The American Republics, whose moral union rests on the juridical equality of the Republics of the continent and on the mutual respect of the rights inherent in their complete independence, desirous of promoting efficaciously the increasing conciliation of their economic interests and coordination of their social and intellectual activities, and recognizing that relations between peoples are regulated by law as well as by their legitimate individual and collective interests;

Agree to continue their joint action of cooperation and solidarity by means of periodic meetings of the International Conferences of American States, as well as by means of organs established by virtue of international agreements, and through the Pan American Union which has its seat in Washington and whose organization and functions shall be regulated by the present convention, in the following terms:

The delegate of Argentina, Mr. Pueyrredón, stated that this preamble was satisfactory as far as it went, but that it did not satisfy the aspirations of his country. He insisted upon the inclusion in the preamble of a statement to the effect that:

> Economic cooperation being an essential factor in the realization of these purposes, the signatory states will direct their efforts towards the suppression of unjust obstacles and excessive artificial barriers which may hinder natural interchange or restrict the liberty of commerce between the nations of America, without according privileges or creating exclusions.

The subcommittee felt, however, and this was later concurred in by the full committee, that the preamble as proposed by the subcommittee was entirely adequate, and that the inclusion of the proposed provision, especially in the light of the purposes of its introduction, did not properly belong in a declaration of general principles or come within the scope of a preamble in the organization of an international institution such as the Pan American Union which was not to exercise functions of a political character. Mr. Pueyrredón thereupon declared that he would be unable to sign the convention formulated by the committee, nor would he be able to approve a project of resolution that did not contain the statement that he had proposed.

In taking up the articles of the convention, the committee considered in connection with Article 1 of the project (Article 3 of the definitive convention) the first Mexican amendment relating to the composition of the Board. The reasons advanced by the delegate of Mexico (Mr. Urbina) were that the Governments should be given the greatest possible liberty in the selection of their representatives on the Governing Board; and that the adoption of the Mexican amendment would serve to democratize the Pan American Union. He declared that the obligation to appoint diplomatic representatives to the Governing Board gave to the Pan American Union a political aspect which would be inconsistent with the organization of the Union if the Mexican proposal were adopted that the institution should not exercise functions of a political character; and urged that, while the adoption of the amendment would not prevent Governments from appointing their diplomatic representatives to serve on the Board, they should be given liberty of choice and should not be unduly restricted in making their selections. The committee accepted this proposal, but added a modification suggested by the delegate of Perú (Mr. Salazar) to the effect that the appointments to the Board may devolve upon the diplomatic representatives of the respective countries in Washington.

The Mexican proposal with respect to rotation in office of the Chairman and Vice Chairman of the Governing Board was not accepted by the committee. The members of the committee opposing this proposal declared that freedom of election was a fundamental principle of democratic institutions; that the present system of elec-

tion of the Chairman and Vice Chairman had been eminently satisfactory, and that the members of the Board should be permitted to elect whomsoever they desired from among their number to preside over the deliberations of the Board. A subsequent motion of the Mexican delegation to reconsider the action taken on this proposal was rejected by the committee. The text of the article as adopted is as follows:

The government of the Pan American Union shall be vested in a Governing Board composed of the representatives that the American Governments may appoint. The appointment may devolve upon the diplomatic representatives of the respective countries in Washington.

Besides his own country, a member of the Governing Board may serve as special representative of one or more countries, in which case such representative shall have as many votes as countries represented.

The Board shall elect its Chairman and Vice Chairman annually.

The third important modification proposed by Mexico, relating to the annual change in the office of Director General, was withdrawn by the delegate of Mexico after a number of members of the committee had emphasized the advantages of permanency and continuity in the office of Director General.

The fourth proposal of the delegation of Mexico, relative to the exercise of political functions by the Pan American Union, was referred to the subcommittee appointed to formulate the preamble, which subcommittee was also entrusted with the preparation of an introductory paragraph for Article 6, relating to the functions of the Union. The report of the subcommittee was approved by the full committee and recommended that the introductory paragraph to Article 6 read as follows:

Both the Governing Board and the Pan American Union shall discharge the duties assigned by this convention subject to the condition that they shall not exercise functions of a political character.

In considering the articles relating to the functions and activities of the Pan American Union, it was the consensus of opinion among the members of the committee that the convention should establish only the fundamental bases of organization and that the details of internal order should be left to the determination of the Governing Board. It was accordingly decided materially to modify the project of convention that had been formulated by the Governing Board. The reporting delegate (Mr. Varela) thereupon submitted to the committee a revised draft which followed more or less the lines of the resolution on the Pan American Union adopted at the Fifth International Conference of American States. A number of modifications were, however, introduced into the present organization, providing:

1. That the instruments of ratification of the treaties, conventions, protocols and other diplomatic instruments signed at the International Conferences of

American States shall be deposited at the Pan American Union, which shall communicate notice of the receipt of such ratification to the other states.

2. That, wherever possible, the Governing Board shall establish relations of close cooperation between the Pan American Union and other official Pan American organizations.

3. That the Governing Board fix the status of the members of the staff, determining their conditions of retirement.

4. That the member states may withdraw from the Pan American Union at any time, but shall pay their respective quotas for the period of the current fiscal year.

Article 14 provides that the convention shall become effective when all the states represented at the conference receive notice that all the ratifications have been deposited with the Pan American Union.

In addition to the convention, the Conference approved a resolution containing provisions relative to the organization of the Pan American Union that shall remain in effect pending the approval of the convention by all the Republics of the American Continent. This resolution puts into immediate effect the more important modifications contained in the convention, including the changes in the method of appointing members to the Governing Board; the declaration that neither the Governing Board nor the Pan American Union shall exercise functions of a political character; the provision relating to the determination of the conditions of retirement of the members of the staff; and the provision that the states, members of the Union, may withdraw from the organization at any time, but that they shall pay their respective quotas for the period of the current fiscal year.

The full text of the convention and resolution adopted by the Conference will be found in Appendices 16 and 17, respectively.

COMMITTEE ON PUBLIC INTERNATIONAL LAW AND FRONTIER POLICE

(No. 2)

The Second Committee, on Public International Law and Frontier Police, was organized with Mr. Gustavo Guerrero, of El Salvador, as chairman, and Mr. Raúl Fernandes, of Brazil, as vice chairman. The representatives of the delegation of the United States on this committee were Mr. Hughes, Mr. Fletcher, Mr. Underwood, and Mr. Scott.

There were assigned to this committee topics 1, 2, and 4 embraced within the second division of the program of the Conference dealing with "Matters of an inter-American juridical nature"; that is to say:

1. Consideration of the results of the Commission of Jurists which assembled at Rio de Janeiro for the purpose of undertaking the codification of international law;

2. Methods for the pacific settlement of international disputes; and
4. Frontier police.

The results of the work of the Commission of Jurists had been set forth in twelve projects as follows:

I. Fundamental bases of international law
II. States: Existence—equality—recognition
III. Status of aliens
IV. Treaties
V. Exchange of publications
VI. Interchange of professors and students
VII. Diplomatic agents
VIII. Consuls
IX. Maritime neutrality
X. Asylum
XI. Obligations of states in event of civil war
XII. Pacific settlement of international conflicts

Projects V and VI, relating to "Exchange of publications" and "Interchange of professors and students," were referred to the Committee on Intellectual Cooperation.

In view of the variety of subjects before the Committee on Public International Law, several reporters were appointed as follows:

Project I, Fundamental bases of international law, and Project II, States: Existence—equality—recognition. Víctor M. Maúrtua, of Perú, reporter.
Project III, Status of aliens. James Brown Scott, of the United States of America, reporter.
Project IV, Treaties. Orestes Ferrara, of Cuba, reporter.
Project VII, Diplomatic agents, and Project VIII, Consuls. Ricardo Castro Beeche, of Costa Rica, reporter.
Project IX, Maritime neutrality. Juan José Amézaga, of Uruguay, reporter.
Project X, Asylum, and Project XI, Obligations of states in the event of civil war. Fernando González Roa, of Mexico, reporter.
Project XII, Pacific settlement of international disputes. Ricardo J. Alfaro, of Panamá, reporter.
Frontier police. Honorio Pueyrredón, of Argentina, reporter.

The conclusions reached by the committee will be best understood by presenting the subjects in the above-mentioned order although this order was not observed in the proceedings.

First

Project I: Fundamental bases of international law
Project II: States: Existence—equality—recognition

Mr. Maúrtua's report was presented to the Committee on February 4. It proposed the substitution of the four following documents for the above-mentioned projects of the Commission of Jurists:

1. A declaration of the fundamental bases of the codification of international law.

2. A declaration of the definitions and rules of application of international law.
3. A recommendation on Pan American unity and solidarity.
4. A convention regarding recognition of governments.

In his oral presentation, Mr. Maúrtua stated that he would first deal with the fundamental principles which were set forth in the first division of his report. He then gave a brilliant exposition of the purposes of codification of international law, its appropriate method and limitations. He deemed it essential that the work of the formulation and development of the law of nations should be founded on unchangeable principles of respect for essential international rights, recognized by all the American Republics. Accordingly, he proposed, as the first document, a Declaration of the Rights and Duties of States. For this purpose he adopted, and presented without change, as the first division of his report, the declaration of the American Institute of International Law, which had been promulgated at its first session in Washington on January 6, 1916. This declaration is as follows:

I. Every nation has the right to exist, and to protect and to conserve its existence; but this right neither implies the right nor justifies the act of the state to protect itself or to conserve its existence by the commission of unlawful acts against innocent and unoffending states.

II. Every nation has the right to independence in the sense that it has a right to the pursuit of happiness and is free to develop itself without interference or control from other states, provided that in so doing it does not interfere with or violate the rights of other states.

III. Every nation is in law and before law the equal of every other nation belonging to the society of nations, and all nations have the right to claim and, according to the Declaration of Independence of the United States, "to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them."

IV. Every nation has the right to territory within defined boundaries and to exercise exclusive jurisdiction over its territory, and all persons whether native or foreign found therein.

V. Every nation entitled to a right by the law of nations is entitled to have that right respected and protected by all other nations, for right and duty are correlative, and the right of one is the duty of all to observe.

VI. International law is at one and the same time both national and international: national in the sense that it is the law of the land and applicable as such to the decision of all questions involving its principles; international in the sense that it is the law of the society of nations and applicable as such to all questions between and among the members of the society of nations involving its principles.

Mr. Maúrtua emphasized the great importance of this declaration which had received the approval of eminent jurists both of the American Republics and of Europe. He referred to the fact that the chairman of the delegation of the United States, when Secretary of State, had incorporated this declaration in an address on November

30, 1923, on the occasion of the celebration of the centenary of the Monroe Doctrine, stating that the declaration embodied fundamental principles which were supported by decisions of the Supreme Court of the United States. Mr. Maúrtua found no official declaration of rights so complete as this declaration of the American Institute and believed that if adopted by the Conference it would constitute a Magna Charta for the American Republics. Mr. Maúrtua urged his views in an address of great clarity and power. He asked leave to postpone, until this subject had been dealt with, the presentation of the other divisions of his report.

Mr. Hughes followed Mr. Maúrtua with an emphatic endorsement of the declaration which Mr. Maúrtua had proposed.

At the outset, when Mr. Maúrtua's report was presented, Mr. Guerrero had surrendered the chair to Mr. Fernandes. Immediately after Mr. Hughes's statement, Mr. Guerrero addressed the committee. He criticized Mr. Maúrtua's report, taking exception to the omission in his report of Article 3 of Project II of the Commission of Jurists that: "No state may intervene in the internal affairs of another." Mr. Guerrero insisted that this text should be taken as the basis of discussion in the committee.

There followed a general discussion which was continued in a later session of the same day. Many of the delegates addressed the committee, and without entering into a critical analysis of particular exigencies or attempting an exposition of international law, they voiced with eloquence the general principles of absolute sovereignty and independence.

A separate and concrete proposal was submitted by the delegate of Honduras. It should be observed that the delegation of Colombia had already proposed, in connection with the project of convention for the organization of the Pan American Union, that there should be a declaration of the rights and duties of states embracing the first five articles of the declaration of the American Institute of International Law which were incorporated in the report of Mr. Maúrtua.

Several of the delegates in the course of their remarks suggested that there appeared to be no substantial divergence of views but a difference with respect to forms of expression. The question was as to the form which would best respond to the sentiment of the Conference and the suggestion was made that the matter could be resolved by the appointment of a subcommittee which would consider the matter in all its phases and report a formula upon which all could agree.

Toward the close of the discussion, Mr. Ferrara, of Cuba, spoke with deep feeling of Cuba's history, saying that intervention in his

country was a word of glory and of justice. He could not forget the past. He accepted the proposal of Mr. Maúrtua as a declaration responsive to the ideals of justice.

The appointment of a subcommittee was decided upon. Mr. Fernandes, of Brazil, the acting chairman of the committee, in announcing the appointment of the subcommittee, made a statement on behalf of his Government which concluded with these words:

> The formula, suggested by the eminent reporter (Mr. Maúrtua), except for a more acceptable wording, offers a basis on which the general agreement can be obtained since that formula introduces the two inseparable features of the principle under discussion, affirming at the same time the supreme right and the supreme duty of nations. May we find, around that principle, the formula of conciliation for which all of us strive.

The following were appointed members of the subcommittee: Mr. Hughes, of the United States; Mr. Maúrtua, of Perú; Mr. Elorduy, of Mexico; Mr. Castro Beeche, of Costa Rica; Mr. Guerrero, of El Salvador; Mr. Pueyrredón, of Argentina; and Mr. Lira, of Chile.

The subcommittee held several meetings at which there was prolonged and most earnest consideration of all the questions involved, with the utmost frankness in the interchange of views. Mr. Maúrtua prepared a revised Declaration of Rights and Duties which was in substance similar to the one originally proposed, but with a different arrangement and with certain changes in language to meet the criticisms which had been expressed in the meeting of the full committee. It was found impossible, however, to reach unanimous agreement, and finally it was decided to recommend to the full committee that no further action should be taken on the subject and that its consideration should be postponed until the next conference of the American Republics. Accordingly, the following report, signed by all the members of the subcommittee (with the exception of Mr. Pueyrredón, who in the meantime had resigned from the delegation of Argentina), was presented by the subcommittee to the Committee on Public International Law on February 17:

> The subcommittee appointed by the Committee on Public International Law to consider the questions presented in the report of Dr. Maúrtua, and those arising in the discussion of that report, after a long and earnest examination of these questions, with a full, candid and friendly interchange of views, finds it impossible to reach an agreement. Recognizing that in dealing with the codification of international law, the making of a declaration which is wanting in the accord which gives weight to international law would fail of its purpose, the subcommittee recommends that the subject be given further study and that its consideration be postponed until the next conference of the American Republics.

The committee unanimously adopted this report.

On the following day, February 18, at the last plenary session of the Conference, when the report of the Committee on Public Interna-

tional Law dealing with this subject was presented, a number of the delegates expressed their regret that the committee had found it impossible to reach an agreement. An effort was then made to interpret these expressions as an indication that an agreement was possible. Mr. Guerrero presented the following resolution:

The Sixth International Conference of American States,

Considering that at this time the firm decision of every delegation has been expressed to the effect that the principles of non-intervention and of the absolute juridical equality of states be established in a categorical manner,

Resolves:

That no state has the right to intervene in the internal affairs of another.

Mr. Fernandes raised a point of order, stating that the resolution reported by the Committee on Public International Law had been adopted unanimously in a spirit of harmony. He deplored the effort to reintroduce the question as the subject required further study. With this position Mr. Olaya, of Colombia, and Mr. Castro Beeche, of Costa Rica, and others agreed. There were, however, impassioned speeches in favor of Mr. Guerrero's resolution. As it seemed important that the matter should not be left without a definite presentation of the attitude and action of the American delegation and of the policies of the United States, Mr. Hughes made the following statement:

It was my privilege to serve on the subcommittee whose report the Committee on Public International Law unanimously adopted. How did it happen that that report was formulated in the manner in which it was presented to the committee? We had in the Committee on Public International Law the question of codifying the principles relating to the rights and duties of states. There was a project which was presented, and from which the resolution of the delegate of Salvador is taken, which was found in the opinion of many to be incomplete. It was but a fragmentary statement of the law. The learned reporter on that subject, Dr. Maúrtua of Perú, presented the declaration of rights and duties which had been adopted by the American Institute of International Law in 1916, an organization composed of the most distinguished jurists of all the American Republics—a declaration which had been repeatedly approved by the leading jurists of the world. A debate followed in the committee in which various views were expressed which showed the difficulty, the very great difficulty, of distinguishing between international law and political doctrine. The subject was referred to the subcommittee and there were earnest and long and candid discussions for many hours in a day and many days in a week. The suggestion that, in view of the fact that unanimity could not be obtained, the matter should not be reported for further debate which could have no effective result was not made by me. It was made by another. It was indeed made by one who had been opposing the report of Dr. Maúrtua. It was recognized that we could not agree on a statement of principles, and if we did not agree on a statement of principles, we should do nothing in furthering the cause of the codification of international law, and hence the suggestion was considered a sensible one and was adopted unanimously by the subcommittee. The subcommittee's report was presented to the full committee, and the full committee under the presidency of Dr. Guerrero unanimously adopted it.

Now, so far as I am personally concerned, I have never had a moment's desire to escape a discussion of this question. There is nothing to conceal. There are no hidden motives. There are no desires or ambitions which my country entertains which are opposed to the desires and aspirations of our sister republics. I merely recognized that this was a question which needed time and further study to resolve in principles which all could accept, and that was the view which I supposed that all my colleagues on the subcommittee, and on the full committee as well, entertained. I gladly acquiesced in their decision. Now what is the situation when we come to the actual facts of the case? There is no one here who does not have enjoyment in the free air of independence. My country was nurtured in the desire for independence. One hundred years ago we declared the policy that all the American Republics should be recognized in their independence. We have given our arms and our blood for the independence of the American Republics and are always ready to do so. We yield to none in the establishment of the ideal of sovereignty and independence for every one of the American Republics from the greatest to the smallest. And I have the right, speaking here on behalf of the delegation of the United States, to declare the policy of my country. I joined readily in the resolution of the delegation of Mexico against aggression. We want no aggression. We want no aggression against ourselves. We cherish no thought of aggression against anybody else. We desire to respect the rights of every country and to have the rights of our own country equally respected. We do not wish the territory of any American Republic. We do not wish to govern any American Republic. We do not wish to intervene in the affairs of any American Republic. We simply wish peace and order and stability and recognition of honest rights properly acquired so that this hemisphere may not only be the hemisphere of peace but the hemisphere of international justice. Much has been said of late with regard to Nicaragua. There sits the Foreign Minister of Nicaragua, a delegate of his country to this Conference. He can tell you the situation in Nicaragua and I can tell you that we desire nothing more than the independence and peace of his country and that we are there simply to aid them in obtaining free elections, in order that they may have a sovereign and independent government. I mention that merely because I speak in a spirit of entire frankness.

Now what is the real difficulty? Let us face the facts. The difficulty, if there is any, in any one of the American Republics, is not of any external aggression. It is an internal difficulty, if it exists at all. From time to time there arises a situation most deplorable and regrettable in which sovereignty is not at work, in which for a time in certain areas there is no government at all, in which for a time and within a limited sphere there is no possibility of performing the functions of sovereignty and independence. Those are the conditions that create the difficulty with which at times we find ourselves confronted. What are we to do when government breaks down and American citizens are in danger of their lives? Are we to stand by and see them killed because a government in circumstances which it cannot control and for which it may not be responsible can no longer afford reasonable protection? I am not speaking of sporadic acts of violence, or of the rising of mobs, or of those distressing incidents which may occur in any country however well administered. I am speaking of the occasions where government itself is unable to function for a time because of difficulties which confront it and which it is impossible for it to surmount.

Now it is a principle of international law that in such a case a government is fully justified in taking action—I would call it interposition of a temporary character—for the purpose of protecting the lives and property of its nationals.

I could say that that is not intervention. One can read in text books that that is not intervention. But if I should subscribe to a formula which others thought might prevent the action which a nation is entitled to take in these circumstances, there might come later the charge of bad faith because of acceptance of a formula with one interpretation in my mind while another interpretation of it is in the mind of those proposing the formula. So it was necessary to have a fair understanding. Of course the United States cannot forego its right to protect its citizens. No country should forego its right to protect its citizens. International law cannot be changed by the resolutions of this Conference. International law remains. The rights of nations remain, but nations have duties as well as rights. We all recognize that. This very formula, here proposed, is a proposal of duty on the part of a nation. But it is not the only duty. There are other obligations which courts, and tribunals declaring international law, have frequently set forth; and we cannot codify international law and ignore the duties of states, by setting up the impossible reign of self-will without any recognition upon the part of a state of its obligations to its neighbors.

When the subcommittee was appointed, Dr. Fernandes, then presiding over the full committee, suggested that in this recognition of rights and duties on a perfectly fair basis might be found the solution of our problem. It was hoped that we might be able to declare a set of principles which would clearly define our opposition to all acts of aggression, which would clearly show our desire to maintain the sovereignty and independence of states, which would establish all the rights of states that any of you could hope to see written into a code of international law, and which would at the same time recognize the obligations of states and provide a code which would represent not an isolated doctrine or a mere preachment for political purposes but the real principles of justice which we are trying to codify in this effort. It was with that purpose we worked in the subcommittee. It was not an easy task. It is not a simple task for a late afternoon at the close of the Conference. It is an easy task to indulge in the subtle simplicity of formulas that only express one tenth of the truth. We worked hard in the subcommittee and in the most friendly spirit. Let me testify to the ability of the members of this Conference to discuss these delicate questions with amity and good will. I rejoice in that. Friendship and candor can always go together. But we had to draw a code. We had to draw something which was adequate; and as I have said it was one of those who did not favor Dr. Maúrtua's recommendation taken from the declaration of the jurists, who suggested that we could not do this here. Let us study it further and let us hope that later we can attain success and unanimity.

I have made this statement merely to avoid any possible misunderstanding. I am too proud of my country to stand before you as in any way suggesting a defense of aggression or of assault upon the sovereignty or independence of any state. I stand before you to tell you that we unite with you in the aspiration for complete sovereignty and the realization of complete independence. I stand here with you ready to cooperate in every way in establishing the ideals of justice by institutions in every land which will promote fairness of dealing between man and man and nation and nation.

I cannot sacrifice the rights of my country but I will join with you in declaring the law. I will try to help you in coming to a just conclusion as to the law; but it must be the law of justice infused with the spirit which has given us from the days of Grotius this wonderful development of the law of nations, by which we find ourselves bound.

At the close of Mr. Hughes's remarks, Mr. Guerrero withdrew his motion. The report of the Committee on International Law was approved.

Second

Project III: Status of aliens

The articles of the draft submitted to the committee reproduced in substance Project No. III of the Commission of Jurists of Rio de Janeiro, with sundry modifications.

The report proposed the omission of Article 5 of the Rio draft relating to military service of foreigners. The commission, however, preferred to retain this, and it was retained with a reservation on the part of the United States to the prohibition against military service of foreigners. In other respects, the final convention is, with changes in detail, similar to that of the Rio draft.

The revised convention was unanimously adopted in plenary session of February 18, with the reservation of the United States above specified. (Appendix 9.)

Third

Project IV: Treaties

After a discussion of the project, which was presented by Mr. Orestes Ferrara, of Cuba, in the course of which several amendments were suggested, the subject was referred to a subcommittee consisting of Mr. Orestes Ferrara, of Cuba; Mr. Charles E. Hughes (represented by Mr. James Brown Scott), of the United States; Mr. Jesús M. Yepes, of Colombia, and Mr. Héctor David Castro, of El Salvador.

Project No. IV of the Commission of Jurists of Rio de Janeiro was taken as the basis and its provisions modified in order to have them state more precisely and adequately the practice of nations. Two articles are new: No. 15, that upon failure to agree as to whether circumstances have changed so as to render the treaty inadequate or inapplicable, the question is to be submitted to arbitration; and No. 19, that states may adhere to treaties to which they have not been contracting parties.

There are three articles of the general convention on treaties to which reference should be made in this connection, Articles 6, 7 and 18.

The second and third paragraphs of Article 6 provide that:

> In case the ratifying state makes reservations to the treaty it shall become effective when the other contracting party informed of the reservations expressly accepts them, or having failed to reject them formally, should perform actions implying its acceptance.
>
> In international treaties celebrated between different states, a reservation made by one of them in the act of ratification affects only the application of

the clause in question in the relation of the other contracting states with the state making the reservation.

This is an express acceptance of the theory and practice of the United States in the premises.

Article 7 is thus worded:

> Refusal to ratify or the formulation of a reservation are acts inherent in national sovereignty and as such constitute the exercise of a right which violates no international stipulation or good form. In case of refusal it shall be communicated to the other contracting parties.

This likewise, is a formal acceptance of the theory and practice of the United States.

It therefore appears that any signatory party either to the present convention or to any other convention between American states may withhold its ratification to the treaty, or may ratify with reservations, that is to say by omission of specified articles or by interpretation of provisions of the convention; that in so doing, the signatory party exercises an act declared by the present convention to be inherent in sovereignty; and that if it should fail to ratify, or ratifies with reservations, it is not to be looked upon as acting in an unfriendly manner.

Article 18 provides that:

> Two or more states may agree that their relations are to be governed by rules other than those established in general conventions celebrated by them with other states.
>
> This precept applies not only to future treaties but also to those in effect at the time of concluding this convention.

The delegation of the United States understands that Article 18 was drafted expressly in order that the rules of this general convention cannot in any case be applied in opposition to treaties, either bilateral or multilateral, previously concluded between and among the contracting states.

The convention on treaties was adopted at the plenary session of February 18, and was signed two days later, with reservations on the part of Mexico and Bolivia. El Salvador refrained from signing. (Appendix 10.)

Fourth

Project VII: Diplomatic agents
Project VIII: Consuls

The Commission of Jurists of Rio de Janeiro transmitted to the Sixth International Conference of American States two long and carefully considered projects, No. 6 on diplomatic agents and No. 7 on consuls. These were appropriately treated as two phases of a single subject, of which Mr. Castro Beeche of Costa Rica was reporter. When presented to the committee its members indulged in an exchange of views as to the general principles contained in each,

especially those of diplomatic agents; and the opinion seemed to be general that they should be submitted to a subcommittee, in order to bring their articles, especially those of diplomatic agents, into closer accord with general practice.

In this subcommittee the delegation of the United States was represented by one of its members.

Many changes were proposed and accepted, so that when the revised texts were returned to the committee both were adopted without discussion, or indeed without being read article by article.

Aspirations very generally shared by the American Republics—that diplomatic agents should represent the state, not an officer of the state, and that therefore, representing the state, the time-honored distinctions of rank should be discarded, and that immunities heretofore claimed for diplomatic agents should be limited—were removed from the text and stated in a preamble, leaving their further consideration to the future.

The revised conventions on diplomatic agents and consuls were unanimously adopted in the plenary session of February 18, with but a single reservation on the part of Venezuela to the provision that, contrary to the laws of that Republic, diplomatic and consular functions might be united in one and the same person. (Appendices 11 and 12.)

Fifth

Project IX: Maritime neutrality

The next project to be considered, that on Maritime Neutrality, of which Mr. Juan José Amézaga, of Uruguay, was reporter, deserves more than passing notice. In its original form it contained provisions intended to change existing practice in the interest of neutrals. As submitted to the Rio Commission some of these provisions were eliminated, whereas others were retained, such as making it the duty of neutrals to bring about the cessation of war; to meet in order to determine what combined attitude they should take; and to utilize the Pan American Union for these and other purposes. Objection was made in the general discussion to these variations from general usage. The subcommittee to which the matter was referred took into account the desires of the committee that the references to the Pan American Union should be omitted and that the projects to be reported should conform more closely to the practice of nations. The result was a modified draft, in large measure that of the thirteenth convention of the Second Hague Peace Conference of 1907, with sundry modifications and additions in order to take note of the measures which neutrals had taken to preserve their rights during the World War. As finally drafted and originally adopted, the project presupposed a war, in which the

American Republics would be neutral. For this reason it was indispensable that the practice of nations should be strictly observed, as it would be undesirable on the part of the American states to attempt to change the general rights of all neutrals by a special agreement of their own. There is, however, an American Republic without access to the sea. The Bolivian delegation proposed a modification of the general rule in case of war between American Republics, to the effect that the project should contain a clause, by virtue whereof neutral states should be obliged to permit the transportation of materials of war through their territories to an American state thus shut off from the sea, provided the neutral states should not consider that their vital interests were affected. The delegation of the United States conceived this to be a just provision under the circumstances, and voted for it. It was adopted as the second paragraph of Article 22, with a reservation on the part of Chile.

The Argentine delegation proposed in committee amendments which it had suggested in the subcommittee. One of these, to the effect that armed merchantmen should be assimilated to auxiliary vessels in the service of belligerents, was carried and forms the last sentence of Article 12 of the convention. To this, the United States interposed a reservation, as did likewise Cuba and Uruguay. The convention was adopted in the plenary session of February 18, Chile and the United States expressly maintaining at the time of signing, their respective reservations. (Appendix 13.)

Sixth

Project X: Asylum
Project XI: Obligations of states in the event of civil war

The project on "Asylum," of which Mr. González Roa, of Mexico, was reporter, was next considered—Mr. Hughes making a statement on behalf of the delegation of the United States that it would not participate in the discussion of this project, inasmuch as asylum was contrary to the practice of the United States, and, in the opinion of the Government of the United States, was not a part of general international law. His remarks were not intended to interfere with the discussion, which he hoped would end in an acceptable convention to those favoring the doctrine. Such was the result. (Appendix 14.)

Upon approval of the convention on asylum, the committee took up the question of the rights and duties of states in the event of civil war, of which Mr. González Roa was likewise reporter. He recommended "Project XI—Obligations of States in Event of Civil War," of the Commission of Jurists of Rio de Janeiro. It consisted of a single article of five numbered paragraphs. The Argentine dele-

gation suggested that the words "civil war" should be replaced by "civil strife." This suggestion was adopted. Thereupon, paragraphs 1, 2, and 3 of the original project were accepted with slight changes. Paragraph 4, prohibiting the use of telegraphic, telephonic, or radiographic stations "for the purpose of subversive action," was omitted. Paragraph 5 was adopted, thereupon becoming paragraph 4 of the original article. The Argentine delegation proposed further additions which were accepted with slight modification, forming Articles 2 and 3 of the convention as approved by the plenary session of February 18. (Appendix 15.)

All of these conventions have an article providing that they shall not affect international obligations created by the contracting parties by virtue of international agreements. It is understood that this clause of a general nature was meant especially to refer to the obligations of some of the American Republics under the League of Nations, and to special conventions of 1923, to which the Central American Republics are parties.

Seventh

Project XII: Pacific settlement of international disputes

The report upon this subject, by Mr. Ricardo J. Alfaro, of Panamá, was presented on February 14, only a few days before the time fixed for the adjournment of the Conference. The report dealt with the methods which were the subject of the five parts of the project of the Commission of Jurists, to wit: Part I, Good offices and mediation; Part II, Commission of investigation; Part III, Conciliation; Part IV, Friendly composition; and Part V, Arbitration. Mr. Alfaro proposed that Parts I to IV, inclusive, of his report, should be first considered.

It should be noted that Part II of the project of the Commission of Jurists, "Commission of investigation," proposed certain amendments to the convention, called the "Gondra Convention," adopted at the Fifth International Conference of American States held at Santiago, Chile. The reporter considered these amendments and suggested others.

In relation to Part III, "Conciliation", the reporter had before him, in addition to the project of the Commission of Jurists, the proposal of Mr. Guerrero, of El Salvador (originally presented to the Committee on the Pan American Union and transferred to the Committee on Public International Law), providing as follows:

The Sixth International Conference of American States,

Resolves:

To create a permanent organization of the Republics of America, independent of the Governing Board of the Pan American Union, which shall constitute a Court of Conciliation and Mediation and which shall have as its principal

objects the looking after the maintenance of peace and order in America, and to develop political and moral interests between the states, on a basis of cooperation, mutual respect and reciprocal assistance.

This Court shall be made up of five states members of the Pan American Union elected by the international Conferences at each of their periodical meetings.

The declarations and suggestions of this Court shall not be obligatory or final, but they shall be considered as the reflection of the conscience of America.

Its by-laws shall be prepared by the Sixth Conference at present in session in Habana.

The reporter considered this project and that of the Commission of Jurists (Part III of Project XII) as radically contradictory. He submitted the proposal of Mr. Guerrero, without extended comment, for the consideration of the committee.

There was a brief discussion of the portion of Mr. Alfaro's report thus submitted and it was agreed that the subject should be referred to a subcommittee.

At the next meeting of the committee, on February 16, while the subject of "Treaties" was under discussion, Mr. González Roa, of Mexico, presented a proposal relating to the outlawry of war. It was agreed that this proposal should be referred to the subcommittee dealing with Mr. Alfaro's report.

Mr. Alfaro presented the remaining portion (Part V) of his report on the subject of "Arbitration." This subject had been considered in the project of the Commission of Jurists in the most general terms. Mr. Alfaro reviewed the history of arbitration and strongly emphasized the necessity of providing a concrete plan for obligatory arbitration. He concluded by presenting a definite project containing the following provisions:

ARTICLE 19. Questions of whatever nature which may arise between two or more states which have not been settled through diplomatic channels shall be submitted to arbitration.

ARTICLE 20. Arbitration shall be obligatory in all classes of controversies except:

1. Those which involve constitutional provisions in force in one or the other state party to the controversy.
2. Those which may place in jeopardy the independence of a state. In such case, and for such state, arbitration shall be voluntary; but it shall be obligatory for the other state, party to the controversy.

ARTICLE 21. The following questions shall, in all circumstances, be submitted to arbitration:

1. Differences relating to the interpretation or application of public treaties.
2. Differences which relate to the interpretation or application of a principle of international law.

It is furthermore understood that the question as to whether a controversy is included in the exceptions mentioned in the preceding article, shall be submitted to arbitration.

Mr. Alfaro proposed in Article 22 six sorts of tribunals, to wit:

(*a*) A tribunal with a single judge or arbitrator selected by mutual consent by the states parties to the controversy;

(*b*) A tribunal composed of three judges, each state party to the controversy selecting one judge, the third to be selected by common agreement;

(*c*) A tribunal constituted or organized in whatever form that may be agreed upon by the states parties to the controversy;

(*d*) The Pan American Court of International Justice, provided such court be established;

(*e*) The Permanent Court of International Justice established at The Hague; and

(*f*) The Permanent Court of Arbitration organized in accordance with the Hague conventions of 1899 and 1907.

Additional articles were proposed providing for the manner in which the tribunal should be selected and for its procedure.

With respect to a Pan American Court of International Justice, Mr. Alfaro adverted to the fact that the delegation of Costa Rica had submitted to the Fifth International Conference of American States a project for the establishment of such a tribunal; that the American Institute of International Law had formulated another project for a judicial organ called "International Pan American Court of Justice"; and that the Commission of Jurists had not submitted to the Conference any conclusion with respect to these projects. In addition, there was the project submitted to the present Conference by the delegation of Colombia for the organization of a Pan American Court of International Justice. Mr. Alfaro considered that the first question for the committee to decide was whether or not a tribunal of this sort should be established and it could then consider the nature of the project which it should adopt as a basis of discussion. He laid before the committee as a part of his report the three proposals which have been mentioned.

An interesting discussion followed in which Mr. Lira, of Chile; Mr. Maúrtua, of Perú; Mr. Castro Beeche, of Costa Rica, and Mr. Amézaga, of Uruguay, took an important part. Mr. Castro Beeche emphasized the importance of making an exception, from the requirement of obligatory arbitration, of matters which had already been adjudicated by an arbitral tribunal. In the course of the discussion Mr. Hughes endorsed the proposal of Mr. González Roa as to the outlawry of war, and, with respect to the particular proposals of Mr. Alfaro and the general question of arbitration, made the following observations:

Article 19 of the project (Mr. Alfaro's) provides that questions of whatever nature which may arise between two or more states which have not been settled through diplomatic channels, shall be submitted to arbitration. But it is at once recognized in the following article, Article 20, that this generality must have some limitation. While it is true that under Article 21 it is provided

that the question whether a controversy is included in the exceptions shall be submitted to arbitration, nevertheless that is not intended to destroy the exceptions. The provision may be open to the criticism which Dr. Lira has stated, but it must be supposed that, from the standpoint of the reporter, it was intended that the exceptions should be effective. When the exception is set forth in Article 20, the first exception, it is found that it eliminates controversies which involve constitutional provisions. I agree with Dr. Lira that this is extremely broad and vague. From the standpoint of the United States there are few questions that could not be claimed to involve constitutional provisions, if you say that all the powers and functions for which the constitution provides are the subject of exception.

Then in the second provision of Article 20 reference is made to controversies which may place in jeopardy the independence of a state. I do not object to that, although I agree that it is very vague. I think, if I understood Dr. Maúrtua aright, he thought "sovereignty and independence" would be a better expression. I agree to that. The point I desire to make, however, is that these two classes of exceptions in Article 20 reveal the consciousness of the necessity of some limitation. The question then is a practical one which it is necessary for us to decide in approaching a convention: What will give appropriate expression to the limitations that are deemed to be essential?

Now we have certain categories of controversies. We have controversies to which principles of law and equity are applicable. We call those justiciable questions. We could probably find a basis for agreement with regard to questions of that class. I quite understand that questions of that class might sometimes involve sovereignty and independence. We cannot make progress by putting our heads in the sand. No nation will knowingly submit to arbitration its sovereignty, in a matter of first importance, whether it is called a justiciable question or has some other legal nomenclature to describe it. But we do have certain classes of cases which we call justiciable, which with limited exceptions we can agree upon. Then there are controversies which relate solely to political expediency, and to which no principles of law or of equity apply. Those give us the greatest difficulty. It is not that we object, or any of us here would object, to the impartial decision of the most enlightened mind representing the justice of the Deity even in such questions. But we fail to find an assurance of that orderly and wise disposition in ordinary arbitral decisions. It is not the lack of a desire to have a pacific settlement, but the difficulty is in the nature of the question, because you submit to the arbitrator something as to the decision of which he has no principle to guide him.

Then there is a third class of cases of controversies which should not be strictly regarded as international controversies at all. One state objects to the internal legislation of another state in a matter entirely within the province of that state. The objecting state should recognize that that is a matter of internal government. But internal government projects in these days of intimate relations, in the actual force of its decisions, into areas where other governments seek to find a freer play. So, about internal questions, some controversies may arise. We all have questions in each of our countries which we think are within our competency, because they relate to internal administration. I could name some and I could go around this room and enumerate questions of that sort which I am sure many of you would never submit to arbitration.

Now we must face the facts in this matter fairly. My conception of amity among the nations is a sort of friendship which will enable us to deal with these difficult questions in our negotiations with each other without the effort to compel nations to relinquish rights or to change their internal organization,

or to submit to the decrees of others in matters which affect internal regulations according to their conceptions of their interests. So our problem is, What progress can we make?

There is one class of controversies about which we can make a convention without great difficulty. Those are controversies relating to questions involving the interpretation of treaties or the principles of international law, where the claims are for loss of life or personal injuries, or injuries to property, and where the reparation sought is entirely pecuniary. We could have a claims convention without going into some of the difficulties which would arise in dealing with a broader convention. I do not mean to exclude the broader convention. I am simply thinking of making practical progress by having something on which we can start with a maximum of agreement. We can have two classes of conventions, a convention relating to pecuniary claims, and another convention relating to broader matters.

When we come to the broader convention, we would then consider the various categories of the controversies to which I have referred and endeavor to see how closely we can come to an agreement in sympathy with the principle Dr. Maúrtua has proposed, of making all the progress possible.

I do not wish to detain the committee with a long statement but I cannot forbear to say that I think that the project presented fails to exhaust the possibilities. While states might not be willing to submit to arbitration various delicate questions which they thought impinged upon the free exercise of their internal authority, still it might be possible to have joint commissions whose reports advising the different governments and legislatures would be of great value. In 1909 the United States made its treaty with Great Britain with respect to Canada, establishing a joint commission in which each Government has an equal number of members, and to which all sorts of questions arising on our boundary can be referred for examination, the taking of testimony, and report to the respective Governments. A nation may be willing, entirely willing, to have a permanent joint commission with its neighbor or neighbors, so that in any question that arises there may be an explication of the questions, not for the purpose of decision, but so that each Government may be advised of the views and findings of a commission on which they have an equal representation, and then its legislature, supreme in its sphere, can act with that knowledge. This plan has worked very well, and questions which might not perhaps have been submitted to arbitration—some of difficulty, some of delicacy—have been considered by the permanent joint commission and reports have been made which have led to satisfactory adjustments.

Let us be astute to find means suited to the different exigencies which we cannot escape.

A final word: The test of arbitration, and the weakness of plans for arbitration lie in the selection of the third arbitrator, or fifth arbitrator, as the case may be, who actually decides the controversy. Arbitrators are selected for the respective nations, and in some historic cases, the arbitrator selected by one power has not supported that power, but those cases are extremely rare. We know in advance the pivotal man, the third man, is the man who will decide. I have been in negotiations for arbitration where the names of the most distinguished jurists in the world have been submitted and eliminated. No agreement could be had. The test of the arbitration agreement is in your plan for the selection of the third arbitrator. Reference was made to the apprehension of states in regard to arbitration. They center about this selection. Now this project, when it comes to the final test where the parties do not agree, leaves

the selection to chance. That is to say, if there is no agreement, two chiefs of state are to be designated, one by each party, who maintain friendly relations with both parties; but, in the language of treaties and diplomacy, friendship is not the same as it is in the language of social intercourse. There are chiefs of state at times whom we would not desire to select, although we would be far from suggesting that our relations in a diplomatic sense were not entirely friendly. These two chiefs of state, one selected by each party, are designated, and one of these is to be selected by lot, for example, the flip of a coin.

There are two objections: The first is that it is by chance, and the whole arbitration rests upon that. The broader you make the arbitration the more important is this point. The second objection to such a method of choice is that it is essentially political. I think we should endeavor to get away from a final selection, in case we could not agree upon a third arbitrator, which would be in any manner influenced by political considerations. It might be impossible entirely to eliminate that feature, but we should strive in that direction in order to have an impartial, juridical settlement. My suggestion would be that instead of providing for two chiefs of state, one to be selected by lot, we should select three outstanding non-American jurists, who should select, with a sense of responsibility of their reputation and juridical standing, the third arbitrator, who in that case might more closely approach to our ideal of an impartial judge. Such jurists would be more likely to give us the selection of some one on whom we could rely as not being influenced by political considerations.

We often in our experience have had important interests come to us and say: "We should like to arbitrate our controversy. Can you suggest someone as an arbitrator?" And when that is stated to a judge, to a lawyer of eminence, to a man who has a reputation to sustain as an exponent of law and justice, he feels the greatest obligation to assist the parties to obtain an absolute impartial and just determination of their controversy.

Now it is very late in our Conference. We have been unable to reach this matter before. I do not wish to detain you with observations. I wish to join with you in this effort to the full extent of my ability. If we cannot complete it now, let us prepare for a future day when we can accomplish our purpose with full consideration of all the questions which necessarily arise. I desire to show to you the sincere cooperation of the United States, which is opposed to any act of aggression; which desires to see force eliminated from this hemisphere; which is seeking nothing but the good order, the independence and the prosperity of all the American states.

At the close of the discussion, it was decided that the subject should be referred to a subcommittee, and later it was agreed that with this subcommittee there should be combined the subcommittee appointed to deal with the other portions of Mr. Alfaro's report. Accordingly, the following subcommittee was constituted to consider the whole subject of pacific settlement, with the following members: Chairman, Mr. Fernandes, of Brazil; Mr. Hughes, of the United States of America; Mr. Lira, of Chile; Mr. Maúrtua, of Perú; Mr. Alfaro, of Panamá; Mr. Podestá Costa, of Argentina; Mr. Yepes, of Colombia; and Mr. Gustavo Gutiérrez, of Cuba.

As the Conference was on the eve of adjournment, the subcommittee went immediately to work with the result that they recommended to the committee the adoption of the following resolution:

The Sixth International Conference of American States,

RESOLVES:

Whereas the American Republics desire to express that they condemn war as an instrument of national policy in their mutual relations; and

Whereas the American Republics have the most fervent desire to contribute in every possible manner to the development of international means for the pacific settlement of conflicts between states:

1. That the American Republics adopt obligatory arbitration as the means which they will employ for the pacific solution of their international differences of a juridical character.

2. That the American Republics will meet in Washington within the period of one year in a conference of conciliation and arbitration to give conventional form to the realization of this principle, with the minimum exceptions which they may consider indispensable to safeguard the independence and sovereignty of the states, as well as matters of a domestic concern, and to the exclusion also of matters involving the interest or referring to the action of a state not a party to the convention.

3. That the Governments of the American Republics will send for this end plenipotentiary jurisconsults with instructions regarding the maximum and the minimum which they would accept in the extension of obligatory arbitral jurisdiction.

4. That the convention or conventions of conciliation and arbitration which may be concluded should leave open a protocol for progressive arbitration which would permit the development of this beneficent institution up to its maximum.

5. That the convention or conventions which may be agreed upon, after signature, should be submitted immediately to the respective Governments for their ratification in the shortest possible time.

At the last meeting of the committee, on February 17, this resolution was unanimously adopted.

Mr. González Roa, of Mexico, expressed his approval of the resolution and, in the light of its preamble, withdrew his separate proposal in respect to the outlawry of war. At the last plenary session of the Conference, on February 18, however, Mr. González Roa renewed his proposal in a somewhat different form and it was unanimously adopted as follows:

The Sixth International Conference of American States,

Considering:

That the American nations should always be inspired in solid cooperation for justice and the general good;

That nothing is so opposed to this cooperation as the use of violence;

That there is no international controversy, however serious it may be, which can not be peacefully arranged if the parties desire in reality to arrive at a pacific settlement;

That war of aggression constitutes an international crime against the human species;

RESOLVES:

1. All aggression is considered illicit and as such is declared prohibited.
2. The American states will employ all pacific means to settle conflicts which may arise between them.

The subcommittee was of the view, and the full committee decided, that there should be no recommendation for a change in the Gondra Convention which still awaits ratification on the part of a number of the signatory states.

EIGHTH

Frontier police

The reporter, Mr. Pueyrredón, of Argentina, presented a project for a convention containing provisions for cooperation between frontier police authorities and authorizing pursuit and capture of criminals by the authorities of one country in the adjoining territory of another under specified conditions.

In view of the diversity of conditions on different frontiers, and the sensitiveness of communities in relation to the admission of foreign officials, this proposal did not meet with the approval of the committee, which recommended that the states, respectively, should consider the subject to the end that they might arrive at agreements suited to the exigencies on particular frontiers.

Economic use of international rivers

The subject of the economic use of international rivers was considered by the Committee on Public International Law and Frontier Police. Mr. Pueyrredón accepted the designation as reporter on this subject. The report advocated the right of a state to appropriate the waters of rivers flowing within its territory, upon compensation to be made to the other country or countries for losses which might be incurred by the diversion of the waters, by the diverting state. There was opposition to this report. Mr. Fernandes, of the delegation of Brazil, objected to the consideration of the report on the ground that it properly belonged to the economic section, and that, in any event, it was a new question and should not be discussed without the consent of two thirds of the countries represented in the Conference. The question was referred to the Committee on Initiatives, composed of the presidents of the delegations attending the Conference. This body decided against the consideration of the topic at the present time, referring it to the next International Conference of American States.

Conclusion

It would seem, therefore, that the labors of the Committee on Public International Law and Frontier Police were of lasting im-

portance, for if an agreement was not reached upon the projects contained in Mr. Maúrtua's report, nevertheless seven subjects—some of very great importance—were codified, thus furnishing the first example of the conscious codification of international law in an international conference composed of plenipotentiaries; the acceptance of resolutions expressing condemnation of war as an instrument of national policy, and in favor of the employment of all pacific means to settle conflicts which may arise between the American Republics; and the adoption of obligatory arbitration of disputes of a legal nature, for the first time in an international gathering, without the reservations which have hitherto been customary. It is not too much to say that through the acceptance in plenary session of these various projects of the committee by the Sixth International Conference of American States, the American Continent has been dedicated to peace based upon justice, independence, and the equality of its members.

COMMITTEE ON PRIVATE INTERNATIONAL LAW AND UNIFORM LEGISLATION

(No. 3)

Topic 3 of Article II of the program, comprising the following items, was assigned to this committee:

3. The Commission of Jurists which assembled at Rio de Janeiro was entrusted, by resolution of the Fifth International Conference of American States, with making comparative studies tending toward uniformity in civil law, commercial law, procedure law, and other branches of private law; and the Governing Board has recommended that they give preferential attention to the preparation of projects of uniform legislation on:

(*a*) Commercial law and other branches of legislation in which uniformity is possible and desirable;
(*b*) Maritime law, for the preservation of life and property on board ship;
(*c*) Principles to which the juridical status of companies organized in a foreign state should be adjusted with a view to securing uniform standards;
(*d*) Legislative measures for extending to women the same civil rights as those enjoyed by adult males;
(*e*) Bases for determining the nationality of individuals with a view to eliminating the conflict of laws on nationality;
(*f*) Legislation designed to prevent the loss of nationality by a woman because of marriage;
(*g*) Recognition of the validity, by the authorities of the states represented at the Conference or which adhere to its conventions, of the acts and documents relating to the civil status of persons, estates, and contracts made by foreigners before the respective diplomatic and consular agents, and the preparation of a standard form for each of the aforesaid instruments;
(*h*) Commercial arbitration;
(*i*) Elimination of the differences in the juridical system relative to bills of exchange and checks, by means of an international agreement or uniform legislation;
(*j*) Organization and regulations of the international service of checks and postal money orders; and
(*k*) Regulation of the use of water power and other uses or applications of the waters of international rivers for industrial and agricultural purposes.

The United States was represented on Committee No. 3 by Mr. O'Brien and Mr. Scott. The chairman was Mr. Víctor Maúrtua, of Perú; Mr. Scott was vice chairman; and the reporters and the subjects assigned to them were the following:

(1) Eduardo Espínola, of Brazil: Private international law.
(2) Julio García, of Mexico: Bills of exchange and other credit instruments.
(3) Leonel Aguirre, of Uruguay: Rights of women—Loss of nationality by marriage.
(4) Morgan J. O'Brien, of the United States of America: Commercial law and commercial arbitration.
(5) Luis Denegri, of Perú: Maritime commercial law, and regulation of the use of water power.
(6) Francisco G. Yanes, of Venezuela: Nationality.

One of the most important matters dealt with by Committee No. 3 was the Bustamante Code of private international law prepared by Mr. Antonio Sánchez de Bustamante, as approved by the Commission of Jurists of Rio de Janeiro and transmitted to the Sixth International Conference of American States. The principal activities of the committee were related to it. The report on the code prepared by Mr. Eduardo Espínola (Brazil), which was read to the committee at its third session, presented a form of convention whereunder the contracting parties accept and agree to enforce the code of private international law annexed thereto. This report was approved by the committee, with several slight changes, and subsequently adopted by the Conference in the plenary session of February 13. The attitude of the Government of the United States toward the code of private international law was made a matter of record in the committee, and the United States delegation abstained from voting on it. While the code was accepted by eighteen affirmative votes, the delegations from several countries, including Mexico, Argentina, Uruguay, Brazil, and Chile, accompanied their votes with reservations. (Appendix 6.)

The Mexican reporter, Mr. Julio García, submitted an extensive report on "Bills of exchange and other instruments of credit," wherein it is recommended that the American states adopt a uniform law on bills of exchange and other instruments of credit based on the Hague rules of 1912. The report was accompanied by a draft form of the proposed uniform law, and suggested that the project for the uniform law referred to should be prepared by a commission of jurists appointed for the purpose or by the Inter American High Commission. This recommendation was accepted by the committee without discussion and was approved in plenary session on February 18. (Appendix 58.)

The Uruguayan reporter, Mr. Aguirre, presented to the committee a report on the "Rights of women—loss of nationality by marriage" in which it was recommended that an inter-American

Commission of Women be formed charged with the task of preparing studies on the subject of the civil and political equality of women to be presented to the Seventh International Conference of American States. The report likewise recommended that the Governments of the American states study and adopt legal measures which will tend to concede to women certain rights which they do not at present enjoy in some states. The resolution as accepted by the committee and approved in plenary session on February 18 appears in Appendix 61.

The report on "Commercial arbitration" presented by the American delegate, Mr. Morgan J. O'Brien, was accepted by the committee without discussion, and was approved in plenary session on February 18. The report recommended that the Sixth Conference limit itself to the readoption of the resolutions of the Fifth Conference respecting the extra-judicial arbitration of commercial controversies. The resolution adopted by the Conference appears in Appendix 60.

The presentation to the committee of reports on items 5 and 6 of its program ("Maritime commercial law," and "Nationality") was dispensed with, and the reports described above consequently comprise the full program of this committee. In addition, however, the following action was taken by the committee:

(1) A resolution by the Nicaraguan delegation recommending to the American states whose laws may contain other principles that their laws be revised so as to permit the organization of stock companies without specifying the amount of their capital or of their stock and otherwise to facilitate the establishment of stock companies. This resolution, which was approved in plenary session on February 18, appears in Appendix 59.

(2) A proposal presented by Mr. Antonio Sánchez de Bustamante, of Cuba, and approved by the Conference in plenary session on February 18, recommends that the American states adhere to the Brussels conventions of September 23, 1910, relative to assistance and salvage, to the convention of April 10, 1926, relative to naval privilege and mortgage, and to the convention of November 1922 relative to the limitation of responsibility of shipowners. (Appendix 72.)

(3) A proposal was approved by this committee, upon presentation by the Salvadoran delegation, in which it is recommended that the Technical Committees dealing with private international law study the organization of the judiciary in each country to the end that the decisions of the Conference may be carried out. (Appendix 74.)

(4) An agreement by the committee to the effect that a resolution should be approved in the sense that the Sixth Conference concurs that the technical committees shall devote themselves to prepara-

tory work on private international law, bearing in mind the desirability of having each of the Republics adopt the necessary measures for the success and application of the principles agreed upon.

The final action taken by this committee consisted in the presentation before the plenary session held on February 18, of a general report on "The permanency of the International Commission of Jurists of Rio de Janeiro and development of preparatory work for the unification of legislation and of the codification of international law through permanent technical organizations." The text of this resolution, as approved by the Conference, appears in Appendix 73.

(5) Mr. O'Brien presented a second resolution, which likewise was accepted by the committee, and approved in plenary session on February 13, which recommends that the attention of the Governments of the American states be directed to the economic waste and loss occasioned by the theft and pilferage of cargo and that they enact such laws as may be required in order to punish severely the crime of broaching and pilfering cargo. This resolution appears in Appendix 78.

COMMITTEE ON COMMUNICATIONS
(No. 4)

This committee, on which the United States was represented by Mr. Underwood and Mr. Fletcher, considered Article III of the program of the Conference: "Problems of communications." The first session was held on the afternoon of January 19, 1928, at which time Mr. Sampaio Correa of Brazil was elected chairman; Mr. Tulio M. Cestero of the Dominican Republic, vice chairman; and Mr. Fletcher was designated general reporter.

The topics referred to this committee were as follows:

(1) Consideration of the results of the work of the Inter-American Commission on Commercial Aviation, provided for by resolution of the Fifth International Conference of American States.
(2) Regulation of international automotive traffic.
(3) Means for facilitating the development of fluvial intercommunication between the nations of America.
(4) (*a*) International regulation of railway traffic.
(*b*) Consideration of the report of the Pan American Railway Committee.
(5) Organization of a technical commission to study and recommend the most effective means for the establishment of steamship lines to connect the countries of America and to recommend measures for the elimination of all unnecessary port formalities.
(6) Consideration of the results of the Pan American Highway Conference, which met at Buenos Aires in October 1925, in compliance with a resolution of the Fifth International Conference of American States.

(7) Consideration of the results of the Inter-American Electrical Communications Conference, which met at Mexico City in compliance with a resolution of the Fifth International Conference of American States.

These topics were, at the suggestion of the reporter, divided into seven sections and a special *ponente* or reporter appointed for each subdivision as follows:

(1) Commercial aviation: Mr. Fletcher, reporter.
(2) Regulation of international automotive traffic and results of Pan American Highway Conference: Mr. Espil, of Argentina, reporter.
(3) Means for facilitating the development of fluvial intercommunication: Mr. Callorda, of Uruguay, reporter.
(4) International regulation of railway traffic: Mr. Tinoco, of Costa Rica, reporter.
(5) Consideration of the report of the Pan American Railway Committee: Mr. Denegri, of Perú, reporter.
(6) Establishment of steamship lines and elimination of unnecessary port formalities: Mr. Morales, of Cuba, reporter.
(7) Results of Electrical Communications Conference: Mr. Ramírez, of Paraguay, reporter.

(1) Commercial Aviation

As reporter on commercial aviation, Mr. Fletcher submitted the project of convention on commercial aviation formulated by the Pan American Union, with certain amendments suggested in the Department's instructions. The most important amendment presented by Mr. Fletcher had relation to Article 31 of the project, which read:

> The right of any of the contracting states to enter into any convention or special agreement with any other state or states concerning international aerial navigation is recognized, so long as such convention or special agreement shall not impair the rights or obligations of any of the states parties to this convention, acquired or imposed herein.

The United States delegation suggested the addition of the following proviso:

> Provided, however, that prohibited areas within their respective territories, and regulations pertaining thereto, may be agreed upon by two or more states for military reasons or in the interest of public safety. Such agreements, and all regulations pursuant thereto, shall be subject to the same conditions as those set forth in Article 5 of this convention with respect to prohibited areas within the territory of a particular state.

In the discussion it appeared that most of the amendments suggested by the reporter were acceptable to the committee, but Mr. Espil, of the Argentine delegation, suggested that this committee adopt the definition of private aircraft contained in the international convention relating to regulation of aerial navigation signed at Paris

on October 13, 1919. Mr. Olaya Herrera, of Colombia, also desired that aircraft under contract by a state or subsidized thereby, carrying both mail and passengers, should be considered private aircraft; but his principal preoccupation was with respect to the proviso proposed by the United States delegation to Article 31 and expressed the fear that the proviso as drawn might make it possible to extend the prohibited zone referred to therein to include the territory of an entire state. The Mexican delegation indicated its desire also to propose certain amendments to be made to the project of convention. A subcommittee was therefore appointed composed of the chairman of the committee, Mr. Sampaio Correa, and Mr. Fletcher; Mr. Olaya (Colombia); Mr. Espil (Argentina); and Mr. Elorduy (Mexico), to consider the amendments which had been or might be proposed to the convention. Amendments to the convention proposed by the delegations of Brazil, Colombia, Mexico, and Salvador were considered by the subcommittee.

The subcommittee held a number of meetings and decided amongst other things to adopt the definition of private aircraft contained in Article 30 of the Paris convention with the addition of the words "and naval" so that military aircraft will include both military and naval planes; to delete Article 28 of the project relating to torts or crimes, etc., committed on aircraft in flight and refer this general subject to the Committee on Private International Law; to refer to the Committee on Public International Law the amendment proposed by the delegation of Mexico to Article 30 relating to the prohibition of embargo in times of peace upon airplane parts, etc.; to adopt the following proviso to be added to Article 31 of the original project:

Provided, however, that two or more states, for reasons of reciprocal convenience and interest may agree upon appropriate regulations pertaining to the operation of aircraft and the fixing of specified routes. These regulations shall guarantee equality of treatment of the aircraft of each and every one of the contracting states and shall be subject to the same conditions as are set forth in Article 5 of the convention with respect to prohibited areas within the territory of a particular state.

Nothing contained in this convention shall affect the rights and obligations established by existing treaties.

It was furthermore agreed to entrust the Cuban Government instead of the Pan American Union with all duties in connection with the ratification of the convention; to open adherence to the convention to all the states instead of limiting it to members of the Pan American Union; to adopt the arbitration procedure provided for in Article 18 of the international radiotelegraphic convention signed at Washington, November 25, 1927, for the arbitration of disagreements arising in connection with the execution and interpretation of the convention; and to adopt other amendments and additions proposed

by the various delegations with the view to securing equality of treatment of aircraft engaged in international commerce in the contracting states.

The report of the subcommittee was presented on February 7, and unanimously adopted by the committee.

In the general discussion of the proposed treaty, Mr. Olaya Herrera, of Colombia, who had throughout the discussions in the committee and subcommittee evinced the greatest interest in the amendment proposed by the United States to Article 31 of the original project, stated that he desired to ask the delegate of the United States (Mr. Fletcher) for some explanation of the reasons and motives underlying the amendment proposed by the United States delegation and referred to the deep interest which Colombia had in the fullest possible development of inter-American commercial aviation. To this Mr. Fletcher replied that he felt it was not necessary, before such a distinguished gathering of the representatives of America, to stress the vital importance which the Panamá Canal has, not only to the United States but to all the nations of this hemisphere and to the maritime commerce of the world. He said that he had no hesitation in saying that the desire of the United States to safeguard the Panamá Canal prompted our suggestion of this amendment which, it will be noted, is optional. It paves the way to an agreement between the United States and the Republic of Panamá for the establishment and operation of practicable inter-American air lines, the operation of which should not jeopardize the safety, protection, and uninterrupted operation of the Panamá Canal. Mr. Fletcher stated that this article does not bind the Republic of Panamá to make such agreement, but as stated by him previously, contemplates the possibility of such an arrangement. He further added that in his opinion there was no inherent antagonism between the practicable operation of commercial air lines and the operation of the Canal; they should be complementary, one of the other. Mr. Fletcher stated that we have opened this treaty for the adherence of all nations of the world, and this fact, it seemed to him, sufficiently explains our interest in seeing that the establishment and development of commercial aviation should in no wise jeopardize the existence of the Canal.

Mr. Fletcher stated that at the same time the United States had no desire unnecessarily to make the Panamá Canal an obstacle to the growth and development of this new means of inter-American communication. He added that as he had said, the United States felt that it would be entirely possible, in agreement with our friends of the Republic of Panamá, to make such arrangements as would, while safeguarding the Canal, facilitate the operation and development of inter-American air lines.

The delegate of Perú (Mr. Denegri) and the delegate of Chile (Mr. Silva) called attention to the great interest which their respective countries had in the protection and uninterrupted operation of the Panamá Canal and their approval of and satisfaction with the statements made by the United States delegate. Mr. Olaya also expressed his satisfaction and agreement.

Mr. Alfaro, of Panamá, raised the question as to the import of the sentence reading "Nothing contained in this convention shall affect the rights and obligations established by existing treaties." In the discussion which followed it was made clear that this referred to treaties of a general character actually in force but did not embrace those not yet ratified.

At the suggestion of Mr. Olaya (Colombia) it was decided that a transcript of the minutes of this meeting of the Committee on Communications should be sent to each of the governments participating in this Conference. After the report of the subcommittee was approved the committee adopted a resolution proposed by Mr. Fletcher reading as follows:

The Sixth International Conference of American States resolves to approve the convention on commercial aviation proposed by the Committee on Communications of this Conference and to recommend the signature thereof by the plenipotentiaries of the American states here represented.

The text of the convention appears in Appendix 7.

At this meeting of the committee Mr. Espil (Argentina) proposed the following resolution which was unanimously adopted.

To declare that it regards with warmest sympathy the idea of the Honorable President of the United States, Mr. Calvin Coolidge, of convening, in the coming month of December, an International Conference on Civil Aviation to be held at Washington, and earnestly wishes, in the interest of international harmony and, especially, of the progress of international and inter-American commercial aviation, that this initiative may be promptly and successfully carried out.

(2) Regulation of International Automotive Traffic and Results of Pan American Highway Conference

The reporter, Mr. Espil (Argentina), proposed to the committee on January 24 a resolution, which was adopted without debate, recommending that the Second Pan American Congress of Highways formulate the bases of a convention for the international regulation of automotive traffic, and a project for a uniform law of traffic regulation. (Appendix 40.)

On January 30, on the proposal of Mr. Alvarez (Salvador), the committee also adopted without debate a resolution that the recommendation of the First Pan American Congress of Highways to the effect that steamers touch at certain maritime ports of the West Indies be enlarged to include Central America. (Appendix 46.)

On February 7 the committee approved a resolution proposed by Mr. Ramírez (Paraguay) approving the construction of the Pan American highway. The text of this resolution appears in Appendix 47.

In this connection it may be noted that Mr. Salazar (Perú) presented to the Committee on Initiatives a resolution, seconded by Mr. Fletcher, and afterwards approved in plenary session by the Conference, relative to the construction of a longitudinal communication highway. (Appendix 34.)

(3) Means for Facilitating the Development of Fluvial Intercommunication

The reporter, Mr. Callorda (Uruguay), reported a resolution on the above subject, which was adopted on January 30 without debate, recommending that the respective countries undertake the study of the navigability of rivers within their territory. (Appendix 43.)

(4) International Regulation of Railway Traffic

The reporter, Mr. Arturo Tinoco (Costa Rica), presented a resolution which after discussion and amendment was adopted in the form appearing in Appendix 45. This resolution recommended that a subcommittee of the Pan American Railway Committee be organized to study the convention governing international railways.

(5) Consideration of the Report of the Pan American Railway Committee

The reporter, Mr. Denegri (Perú), on February 4 read a long report in which he explained the difficulties in the way of the change of route of the Pan American Railway proposed by the Pan American Railway Committee in its resolution of April 28, 1927, and in which he recommended that the original Andean route be retained. The resolution proposed by Mr. Denegri was adopted by the committee, the Argentine delegate abstaining, and appears in Appendix 44.

(6) Establishment of Steamship Lines and Elimination of Unnecessary Port Formalities

The reporter, Mr. Morales Coello (Cuba), reported to the committee on January 26 a resolution on the subject of steamship lines and elimination of port formalities, recommending that the Governing Board of the Pan American Union convene a technical conference to study these subjects. This resolution was approved by the committee and subsequently by the Conference. (Appendix 42.)

(7) Results of Electrical Communications Conferences

The reporter, Mr. Ramírez (Paraguay), proposed to the committee a resolution, which was adopted by the committee without debate on

January 26 recommending that the states signatories to the electrical communications convention of 1924 and the radiotelegraphic convention of Washington of 1927 ratify these conventions as soon as possible. (Appendix 41.)

Mr. Fletcher called attention to the fact that the United States was not a party to the convention signed in the city of Mexico in 1924 and that he understood that the United States was not to be considered as joining in any recommendation in regard to that convention.

All of the resolutions referred to above, adopted by the Committee on Problems of Communications, were adopted by the Conference in plenary session on February 15, 1928.

COMMITTEE ON INTELLECTUAL COOPERATION
(No. 5)

The Committee on Intellectual Cooperation, on which the United States was represented by Mr. Wilbur and Mr. Rowe, considered the topics contained in Article IV of the agenda of the Conference.

At the first meeting of the committee Mr. Gonzalo Zaldumbide (Ecuador) was elected chairman and Mr. Ricardo J. Alfaro (Panamá) vice chairman. Mr. Rafael Oreamuno (Costa Rica) was chosen as general reporter.

The nine topics falling under the head of intellectual cooperation were divided into groups or *ponencias* as follows:

A. Reporter: Mr. Julio García (Mexico)

Topic 1. Establishment of a Pan American Geographical Institute which shall serve as a center of coordination, distribution, and dissemination of geographical studies in the American states and as an organ of cooperation between the geographical institutes of America for facilitating the study of boundary questions between the American nations.

Topic 3. Recommendation to the countries, members of the Union, that have not yet done so, to publish geodetic, geological, agricultural maps, etc., which will give an idea of their natural resources, possibilities of development, and also of their means of communication.

B. Reporter: Mr. Adolfo Costa du Rels (Bolivia)

Topic 2. Recommendation to the countries of America that in their legislation they levy a minimum duty on the importation of books and minimum postal rates on books and periodicals.

Topic 4. Revision of the convention on intellectual property signed at Buenos Aires (1910).

C. Reporter: Mr. Rodolfo García Arias (Argentina)

Topic 5. Establishment of scholarships and fellowships.

Topic 6. Exchange of professors and students.

Topic 7. To recommend the establishment of special chairs, supported or subsidized by the government, for the study of the Spanish, English, and Portuguese languages and of their respective literatures.

Topic 8. To recommend the establishment in the universities of the countries, members of the Pan American Union, of special chairs for the study of the commercial legislation of the American Republics.

D. Reporter: Mr. Juan Vicente Ramírez (Paraguay)

Topic 9. Consideration of the results of the Pan American Congress of Journalists, which met at Washington in compliance with a resolution of the Fifth International Conference of American States.

At the first meeting it was decided that reports after being read should be published before discussion and vote.

At the fourth meeting the delegate of Brazil, Mr. Lindolfo Collor, paid tribute to Andrew Carnegie and Peter Goldsmith for their devotion to closer intellectual cooperation between the American nations. Mr. Wilbur, on behalf of the delegation of the United States, replied in fitting manner.

The report concerning Topic 2 was then put to discussion. The Mexican delegation made certain suggestions with relation to the freer interchange of books and periodicals and the delegate of Colombia, Mr. Yepes, expressed the desire to introduce an amendment as was also done on behalf of the Brazilian delegation. A resolution comprising four articles was ultimately approved harmonizing the several points of view. This resolution was later adopted in the plenary session of February 18. (Appendix 62.)

The report of Mr. Ramírez (Paraguay) on the results of the Congress of Journalists was then discussed and the conclusions of the Mexican delegation on the same subject were also read. The resolution of the reporter was finally approved with the incorporation of amendments by the Brazilian and Chilean delegates. The resolution in its ultimate form encouraged the holding of periodic Congresses of Journalists and recommended to the Pan American Union the study of the establishment of a permanent journalistic organization dependent on it. The resolution was adopted in plenary session on February 3. (Appendix 24.) As to the Mexican conclusions, they were referred to the plenary session in the shape of a resolution recommending the inclusion of certain topics in the agenda of the next Congress of Journalists. The resolution was favorably acted upon at the plenary session of February 3. (Appendix 25.)

The report of Mr. Laurentino Olascoaga (Argentina) relative to the Mexican project for the "establishment of a Pan American

Geographical Institute" (Topic 1) was considered at the fifth meeting. Objection was advanced to the use of the word "intervention" in the functions of the Institute so far as boundary disputes are concerned and to the proviso that Spanish should be the official language. Equality of votes for all nations was likewise advocated. Question was also raised concerning the phraseology to the effect that the convention should be perpetual. Whether the project should take the form of a resolution or convention was left to the next meeting. The first six articles were taken up separately and after redrafting were approved. Upon the motion of Mr. Ortiz (Cuba) it was agreed that the name of the Institute should be altered to read, "Pan American Institute of Geography and History."

At the sixth meeting of the committee consideration was resumed of the project for a Geographical Institute. All the articles in original or modified form, and with some omission, were finally approved, it being agreed that the first eleven articles should take the form of a convention and the remaining articles be considered as the statutes or by-laws of the Institute. The project of convention was subsequently adopted in the plenary session of February 7. (Appendix 27.)

The Mexican resolution concerning the "Publication of geodetic maps, etc.," these to follow the Mexican system (Topic 3), was likewise approved in committee and later adopted in the plenary session of February 7. (Appendix 28.)

The Venezuelan proposal for the organization of an American bibliography was approved in committee and in the plenary session of February 7. (Appendix 29.)

The seventh meeting opened with the discussion of the Panaman proposal for the completion and publication of the *Dictionary of Construction and Regimen of the Spanish Language* compiled by Rufino J. Cuervo, the cost to be divided among the Spanish-speaking countries. Much laudatory comment was made with regard to the project. A most agreeable impression was created by the motion of Mr. Wilbur that a proviso be incorporated which would permit the acceptance of voluntary contributions towards the expense of the work from private scientific or literary associations in the United States. The Haitian and Brazilian delegates desired that the same privilege be granted to their countries and in the amended form of the proposal this recommendation was incorporated in Article III. The resolution as approved in committee and adopted in the plenary session of February 15 appears in Appendix 37.

Debate was then initiated on the report of the Argentine delegate, Mr. García Arias, concerning Topics 5, 6, 7 and 8. The reporting delegate advocated that the establishment of scholarships and

other matters falling within the agenda in question should be entrusted to an Institute of Intellectual Cooperation to be formed. Considerable difference of opinion developed both as to the form of resolution designed to create the institute and as to the manner of incorporation of the reports on the subject which had been submitted by Mr. Callorda (Uruguay), Mr. García (Mexico), and Mr. Medina y Sobrado (Cuba), as well as the results of the work of the International Institute of Intellectual Cooperation.

The discussion of Topics 5, 6, 7, and 8 was continued at the eighth meeting. Since it was evident that the debate would be without fruitful issue the chairman of the committee was authorized to appoint a subcommittee to study the matter. The committee also resolved in principle to create an Inter-American Institute of Intellectual Cooperation. The subcommittee named consisted of Mr. García Arias (Argentina); Mr. Wilbur; Mr. Collor (Brazil); Mr. Callorda (Uruguay); and Mr. Zaldumbide (Ecuador).

On February 11, the subcommittee, with the exception of the Brazilian delegate, met. Mr. Wilbur drew up a draft of resolution on the subject which reconciled divergent opinions. It was approved in substance by the subcommittee.

The above draft of resolution was laid before the ninth meeting of the committee but was immediately objected to by Mr. Collor (Brazil) on the ground that he had not received notice to attend the subcommittee meeting.

Because of the objection of the Brazilian delegate, the subcommittee met again on February 14. At that meeting the first draft of resolution on the subject was redrafted and approved for submission to the committee. The resolution was approved by the committee with only slight modification, and adopted in the plenary session of February 18. (Appendix 65.)

The report of the Bolivian delegate relative to the revision of the Buenos Aires copyright convention was then taken up article by article. On the motion of Mr. Collor (Brazil), the phraseology suggested by the reporter of Article 2 of the convention was altered to read in part, "as well as the arts applied to any human activity whatever," instead of the originally recommended reading, "as well as the arts applied to industry." From the same article was stricken the phrase "radiophonic broadcasting." With these alterations, Article 2 was approved.

Articles 3, 5, 6, and 13 were approved and the revision of Article 4 (third paragraph) suppressed. Thanks in part to the intervention of Mr. Wilbur, Article 16 was approved subject to reservations by Chile in so far as the revision conflicts with Chilean law. At the plenary session of February 18, the convention was adopted. (Appendix 8.)

The Bolivian resolution was also approved with slight modification (being subsequently adopted in the plenary session of February 18), recommending to the Pan American Union that in inserting in Conference programs subjects relating to revision of treaties, it undertake the preparation of the necessary technical studies. (Appendix 63.)

The previously introduced resolution of Salvador concerning the exercise of vigilance by the Governments regarding the production or exhibition of offensive motion-picture films was also approved, subject to the negative vote of Paraguay, and was adopted in the plenary session of February 18. (Appendix 64.)

There were also approved in the committee and adopted in the plenary session of February 18 two resolutions proposed by the Bolivian delegation. The first recommended to the nations the inclusion in primary instruction of the rudiments of financial, economic, and social studies. (Appendix 66.) The second recommended pensioning of journalists. (Appendix 67.)

COMMITTEE ON ECONOMIC PROBLEMS
(No. 6)

Article V of the program, comprising the following topics, was assigned to this committee:

1. Uniformity of legislation on consular fees.
2. Conference of chambers of commerce and, as a part of its program, organization of an inter-American chamber of commerce.
3. International aspects of immigration problems.
4. Revision of the conventions signed at Buenos Aires in 1910 and at Santiago, Chile, in 1923, with a view to formulating changes which shall assure uniform and effective protection for trade-marks in the states members of the Pan American Union.
5. Consideration of the results of the Conference on Uniformity of Communication Statistics, which met at Lima in December 1924, in compliance with a resolution of the Fifth International Conference of American States.
6. Consideration of the results of the Standardization Conference which met at Lima on December 23, 1924, in accordance with a resolution of the Fifth International Conference of American States and the conference which will meet [met] at Washington in 1927.

The United States was represented on Committee 6 by Mr. Morrow, Mr. Judah, Mr. O'Brien, and, subsequently, by Mr. Fletcher.

The first session of the committee was held on January 19, at which time Mr. Salvador Urbina, of Mexico, was elected chairman and Mr. Felipe Espil, of Argentina, vice chairman. At the second meeting, which took place on January 21, Mr. Enrique Hernández Cartaya, of Cuba, was appointed reporter on Topic 3 (Immigration); Mr. Colón Eloy Alfaro, of Ecuador, reporter on Topics 1, 5, and 6 (Consular fees; Uniformity of statistics; and Standardization); Mr. Espil, of Argentina, was designated to report on Topic 4 (Trade-marks), and Mr. Juan Vicente Ramírez, of Paraguay, was

appointed reporter of Topic 2 (Chambers of commerce). Mr. Eduardo Alvarez, of Salvador, was designated general reporter.

The report on "Uniformity of consular fees," expanded with the approval of the committee to include the subject "Simplification and standardization of consular procedure," was not acceptable to the committee, and was referred, together with the amendments proposed by the American, Cuban, and Mexican delegations, to a subcommittee. The report of the subcommittee was accepted and subsequently, on February 15, approved in plenary session. (Appendix 38.) The resolution approves the conclusions of the Pan American Commission on Consular Procedure and recommends a second meeting thereof.

The report on "Chambers of commerce" was approved by the committee with but little discussion, and was also approved in plenary session on February 3. (Appendix 26.) It recommends that the Fourth Pan American Commercial Conference shall devote special study to the development of relations among the commercial organizations of the American states.

The report on "Immigration" was discussed at great length during several sessions, and it was finally agreed that it should be referred to a subcommittee, together with certain amendments and reservations that had been presented by the Brazilian, Mexican, Salvadoran, and Ecuadoran delegations. The report of the subcommittee was approved by the committee and approved in the plenary session of February 15. (Appendix 39.) The discussions of the immigration question indicated the desire that there be declared in general terms the policy of the American Republics with respect to the subject—especially in view of the conference about to be held in Habana—and the Brazilian amendments to the report were drawn up with that end in view. The subcommittee report on immigration embodied the amendment proposed by the Brazilian delegation relative to the jurisdiction of the receiving country over the immigrant; the Mexican amendment referring the question to the Second International Conference on Emigration and Immigration and suggesting certain measures with respect to the protection of immigrants; and the Salvadoran amendment to the effect that no American state may place obstacles in the way of emigration and immigration between the American states. The American delegation voted affirmatively with respect to Articles 1 and 3 of the report and negatively with respect to Articles 2, 4, and 5. During the discussions Mr. Fletcher stated that:

> The delegation of the United States desires in connection with this resolution to state that the Government of the United States considers that the control of immigration is a matter of purely domestic concern, representing the exercise of a sovereign right and that, as far as the United States of America is concerned, the authority of its Congress in immigration matters is exclusive.

This statement was repeated by Mr. Fletcher in plenary session when the Conference considered the report of this committee.

The report on "Trade-marks" presented by the Argentine delegate, Mr. Espil, met with the general approval of the committee. The report recommended that a special conference be convoked to deal with the subject. The United States delegation announced that it was prepared to deal with the matter at the present time, having brought to Habana specially qualified technical advisers for the purpose; and it presented in writing certain recommendations for the consideration of the committee which were not accepted. The Argentine report was approved, and was subsequently adopted in plenary session on February 15. (Appendix 36.)

In the absence of the necessary material the reporter did not present a report on Topic 5, "Uniformity of communication statistics." Accordingly it was decided by the committee that this subject should be submitted to the Pan American Union, to be referred by it to a commission of experts which shall prepare an inter-American convention on statistics of maritime, fluvial, land, and aerial communications. The resolution to this effect was approved at the plenary session of February 18. (Appendix 55.)

A report on "Standardization" was prepared, but in view of certain amendments that had been proposed it was referred to a subcommittee. The subcommittee eventually submitted a memorandum prepared by the Mexican delegation, which the committee approved in lieu of the original report. It later was approved, on February 15, in plenary session. (Appendix 49.)

In addition to the foregoing subjects, which comprise the actual program of this Committee, the following new matters were dealt with and approved by the Committee:

(*a*) A proposal by the Salvadoran delegation urging the delegations to interest themselves in the adoption by their respective countries of the metric decimal system. This proposal, which was approved in the plenary session, appears in Appendix 50.

(*b*) A proposal relative to "Continental agricultural cooperation." The original report by the Paraguayan delegation, together with amendments suggested by the Dominican and Ecuadoran delegations, was referred to a subcommittee. The subcommittee report which was approved by the committee and subsequently by the Conference recommends that the various proposals relating to agricultural cooperation be referred to the Pan American Union, in order that the Union after consideration might refer them for study: (1) to the Seventh International Conference of American States; (2) to a conference of experts; (3) to the next Pan American Commercial Conference, or (4) dispose of them in the manner deemed most convenient. (Appendix 57.)

(*c*) A resolution submitted by the Mexican delegation, recommending that the countries which have already adopted the metric decimal system should adopt as a new unit of measure the hectare-meter, equivalent to 10,000 cubic meters. This resolution was approved at the plenary session of February 18. (Appendix 56.)

(*d*) A resolution introduced by the Salvadoran delegation, recommending that the American Governments study the question of a uniform currency, was referred to the Committee on Initiatives, which approved it. It was later approved in plenary session. (Appendix 35.)

COMMITTEE ON SOCIAL PROBLEMS

(No. 7)

The Committee on Social Problems, on which the United States was represented by Mr. Scott and Mr. Wilbur, with Mr. Long as technical adviser, dealt with Article VI of the program. Mr. Arístides Agüero (Cuba) was elected chairman; Mr. Rafael A. Arraiz (Venezuela) vice chairman; Mr. Fernando González Roa (Mexico) general reporter; and the following technical advisers special reporters for the subjects indicated after their names:

1. J. D. Long (United States): Pan American Sanitary Code.
2. Federico Torralbas (Cuba): Principles and Procedure in Public Health Administration.
3. Domingo Ramos (Cuba): Eugenics and Homoculture.
4. Afranio do Amaral (Brazil): Conference of Directing Heads of Public Health Services.
5. Francisco de P. Miranda (Mexico): Pan American Red Cross.

The topics contained in Article VI of the program were as follows:

1. Consideration of the action taken by the American states in complying with the recommendations of the Fifth International Conference of American States on the Pan American maritime sanitary code.

2. Consideration of the action taken by the American states in complying with the resolution on principles and procedure in public-health administration approved by the Fifth International Conference of American States at its session of April 16, 1923.

3. Consideration of the results of the Conference on Eugenics and Homoculture which will meet [met] at Habana in 1927, in compliance with a resolution of the Fifth International Conference of American States.

4. Consideration of the results of the Conference of Directing Heads of Public Health Services which was held at Washington in September 1926, in compliance with a resolution of the Fifth International Conference of American States.

5. Consideration of the action taken by the countries of America for the organization and development of national Red Cross societies, and the results of the Pan American Red Cross Conference referred to in the resolution adopted by the Fifth International Conference of American States on April 12, 1923.

In order to formulate proposals with respect to each of these topics, the special reporters requested that the delegates present suggestions and reports of progress achieved in public health in their respective countries.

The material thus collected was reorganized and presented in a condensed form as resolutions which were unanimously adopted without modification.

The resolutions:

(1) Recommended ratification of the Pan American Sanitary Code by those countries that have not yet ratified; (2) recommended continued application of the principles and procedures in public health administration, in view of the benefit already derived from their application; (3) recommended the formation of capable sanitary personnel through (*a*) training in special schools and (*b*) the formation of a professional sanitary organization, whose officers will be entitled to promotion on merit, fixed tenure of office, and retirement on pension; (4) recommended that the Ninth Pan American Sanitary Conference establish general bases for the training and formation of the sanitary personnel previously mentioned; (5) recommended that Governments send technical advisers to future conferences; (6) requested the Governments to send reports on progress achieved in public health since previous conferences; (7) recommended that when specialized sanitary personnel are created, a corps of graduated and registered public health visiting nurses be included and unqualified personnel should not be employed; (8) recommended the establishment of interchange of specialists in public health between countries; (9) recommended that the Pan American Sanitary Bureau study types and standards used in the preparation of biologic products so that the Ninth Pan American Sanitary Conference may obtain uniformity in their preparation; (10) recommended that the Pan American Sanitary Bureau make known the fact that a Spanish edition of the 10th revision of the *United States Pharmacopœia* is now available; (11) took note of the conclusions of the First Pan American Conference on Eugenics and Homoculture and recommended that the various countries study and apply such portions as they may deem convenient; (12) recommended that the Ninth Pan American Sanitary Conference and the Second Pan American Conference on Eugenics and Homoculture study the best method of combining their functions and authorized the office of Eugenics and Homoculture to continue to function in the meantime; (13) recommended that those American countries which have no technical representatives for the examination of emigrants in the country of origin utilize the services of representatives of other countries; (14) took note of conclusions of First Pan American Conference of Repre-

sentatives of Public Health Services; (15) recommended that future conferences of Representatives of Health Services deal preferentially with interchanges of experiences and ideas relative to sanitation on account of the value of such interchanges and of their utility in preparing programs for future sanitary conferences; (16) recommended that an official representative of the Pan American Sanitary Bureau attend future conferences of Public Health Representatives; (17) called attention to the importance of work performed by the Pan American Red Cross; (18) expressed pleasure at the results obtained from the Pan American Red Cross Conferences of 1923 and 1926 and recommended that the American Governments lend their aid to the Third Pan American Red Cross Conference to be held at Rio de Janeiro; (19) recommended that the Pan American Union continue to cooperate with the Red Cross in America.

The texts of the resolutions above referred to appear in Appendices 18–23.

In addition, motions or resolutions were adopted by the committee:

(1) Thanking Mr. Enrique Monterrubio, legal adviser to the Mexican Department of Health and technical adviser of the Mexican delegation, for valuable collaboration in the preparation of resolutions;

(2) Authorizing the chairman to address a letter to the Committee on Initiatives inviting attention to the fact that the Fifth Conference, held at Santiago, Chile, had approved a resolution which provided that all future conferences should have a Committee on Hygiene and recommended that the name of the committee be changed accordingly.

(3) Requesting the Committee on Initiatives, in the interest of efficiency and to avoid unnecessary debate in plenary sessions, to advise other committees to refer to this committee all resolutions or reports having relation to the program on social problems, especially such matters as public health, hygiene, immigration in its sanitary aspects, the Pan American Sanitary Bureau, the Pan American sanitary code, frontier police, and kindred subjects.

(4) Providing for a public demonstration of homage and respect to the memory of Dr. Carlos J. Finlay, deceased, a Cuban physician, who had, through his studies, experiments and investigations, shown the method of the transmission of yellow fever through the agency of the mosquito, and thereby contributed largely to its eradication from the Americas.

The committee completed its program at its session of January 30, 1928, and recessed subject to the call of the chairman. All resolutions were unanimously approved without modification by the plenary session of the Conference held February 3, 1928.

COMMITTEE ON TREATIES, CONVENTIONS, AND RESOLUTIONS (No. 8)

The Committee on Treaties, Conventions, and Resolutions, on which the United States was represented by Mr. Judah and Mr. Morrow, dealt with the single topic comprising the seventh article of the agenda of the conference:

> Submission by the delegates and consideration by the Conference of reports on the action taken by the states represented at the previous Pan American Conferences on the treaties, conventions, and resolutions adopted at said conferences.

At the first meeting of the committee Mr. Ricardo Pérez de Alfonseca (Dominican Republic) was elected chairman. Mr. Santiago Key Ayala (Venezuela) was chosen vice chairman and Mr. Alejandro Alvarez (Chile) was designated reporter. At the second meeting Mr. Alvarez indicated that he would be unable to accept the office of reporter, and Mr. Tulio M. Cestero (Dominican Republic) was thereupon elected.

It was decided that the work of the committee was merely informative. A resolution was adopted requesting the various delegations represented at the Conference to submit reports on the action taken by their respective countries on the treaties. conventions and resolutions adopted at previous conferences. On the basis of these reports the reporter prepared a statement reviewing the action that had been taken on the recommendations of previous conferences, and concluding with a draft of resolution recommending that the Republics inform the Pan American Union of the reasons for noncompliance with the resolutions of previous conferences that had not been acted upon. This resolution was adopted in the plenary session of the Conference and appears in Appendix 75.

COMMITTEE ON INITIATIVES

This committee. on which the delegation of the United States was represented by Mr. Hughes, held four sessions, the first on January 27, 1928. Mr. Bustamante, President of the Sixth International Conference of American States, was elected chairman of the committee.

At a preliminary meeting of chairmen of delegations it was decided that the sessions of the Conference and the committees should be public, with the reserved right of the committees to provide for executive sessions if they so desired. This was approved by the Conference.

New projects were submitted to this committee for approval before being dealt with by the Conference. These were the following:

Argentine proposal for the regulation of water power;
Bolivian proposal for the civil and political rights of women;
Bolivian project for obligatory leave of absence for prospective mothers;
Bolivian project for the limitation of the indemnity paid by a state for land when used for public works;
Proposal by the United States regarding theft and pilferage of cargoes at ports;
Mexican proposal regarding standards of living of laborers and the inclusion of this subject in the agenda of the Seventh International Conference of American States;
Salvadoran proposal for a conference on pedagogy;
Proposal for a memorial to Dr. Carlos J. Finlay;
Mexican proposal for plant sanitation;
Brazilian proposal for a longitudinal highway across South America;
Panaman proposal for the completion of printing of the Cuervo Dictionary by subscription;
Bolivian proposal for pensioning newspaper men;
Committee proposal that there be included in the primary instruction in the various states the rudiments of finance and of political and social economy;
Paraguayan proposal regarding agriculture, forestry, and animal husbandry;
Ecuadoran proposal regarding the simplification of consular procedure.
Salvadoran proposal for the study by the various states of a common coin for all.

In addition this committee set the time and date for the plenary sessions, recommended that February 20 be the date for the close of the Conference, and further recommended that the Seventh Conference be held at Montevideo, the capital of Uruguay.

CONCLUSION

The Conference held ten plenary sessions, approved and signed eleven conventions, sixty-two resolutions, seven motions (*mociones*), and four agreements (*acuerdos*), the English and Spanish texts of which appear in the Appendix. The minutes of the plenary sessions and of the meetings of the committees of the Conference will be prepared by the Government of Cuba for distribution to the participating Governments, and will be available in due course.

The delegates of the United States desire to avail themselves of the opportunity to place on record their appreciation of the many courtesies enjoyed during their sojourn at Habana, and especially the generous hospitality of President Machado, Mr. Martínez Ortiz, Secretary of State, and other members of the Cuban Government.

The delegates were most fortunate in having the benefit of the advice of Mr. Francis White, Assistant Secretary of State, who was at Habana for the entire period of the Conference; and also in having as technical advisers and assistants Messrs. Thomas E. Robertson, Henry Kittredge Norton, Leo John Keena, Chester Lloyd Jones, Grosvenor M. Jones, John D. Long, Frederick Todd, M. J. McDermott, Leobardo L. González, Miguel A. Muñoz, Joaquin Servera, Richard K. Kenna, and Miss Margaret M. Hanna.

The secretarial work of the delegation was exceptionally well done under the direction of Mr. Cord Meyer, assisted by Messrs. William P. Cresson, Matthew E. Hanna, Walter C. Thurston, Copley Amory, jr., and Harold L. Williamson, and a competent corps of clerks and stenographers, to all of whom the delegation desires to express its cordial thanks and appreciation.

Respectfully submitted.

Charles E. Hughes
Noble Brandon Judah
Henry P. Fletcher
Oscar W. Underwood
Dwight W. Morrow
Morgan J. O'Brien
James Brown Scott
Ray Lyman Wilbur
L. S. Rowe

APPENDICES

APPENDIX 1

PROGRAM OF THE

SIXTH INTERNATIONAL CONFERENCE OF AMERICAN STATES

I. PAN AMERICAN UNION

Organization of the Pan American Union on the basis of a convention prepared by the Governing Board of the Pan American Union, in accordance with the resolution adopted by the Fifth International Conference of American States on May 1, 1923.

II. MATTERS OF AN INTER-AMERICAN JURIDICAL NATURE

1. Consideration of the results of the Commission of Jurists which assembled at Rio de Janeiro.

2. In view of the fact that the codification of international law has been entrusted to the Commission of Jurists which assembled at Rio de Janeiro, the commission has been recommended to give preferential attention to the study of "Methods for the pacific settlement of international disputes"; but if the commission should not have time to dispatch this part of its work, this topic will be considered included in the program and submitted to the consideration of the Sixth Conference.

3. The Commission of Jurists which assembled at Rio de Janeiro was entrusted, by resolution of the Fifth International Conference of American States, with making comparative studies tending toward uniformity in civil law, commercial aw, procedure law, and other branches of private law; and the Governing Board has recommended that they give preferential attention to the preparation of projects of uniform legislation on:

(*a*) Commercial law and other branches of legislation in which uniformity is possible and desirable;
(*b*) Maritime law, for the preservation of life and property on board ship;
(*c*) Principles to which the juridical status of companies organized in a foreign state should be adjusted, with a view to securing uniform standards;
(*d*) Legislative measures for extending to women the same civil rights as those enjoyed by adult males;
(*e*) Bases for determining the nationality of individuals with a view to eliminating the conflict of laws on nationality;
(*f*) Legislation designed to prevent the loss of nationality by a woman because of marriage;
(*g*) Recognition of the validity, by the authorities of the states represented at the Conference or which adhere to its conventions, of the acts and documents relating to the civil status of persons, estates, and contracts made by foreigners before the respective diplomatic and consular agents, and the preparation of a standard form for each of the aforesaid instruments;
(*h*) Commercial arbitration;
(*i*) Elimination of the differences in the juridical system relative to bills of exchange and checks, by means of an international agreement or uniform legislation;
(*j*) Organization and regulation of the international service of checks and postal money orders; and
(*k*) Regulation of the use of water power and other uses or applications of the waters of international rivers for industrial and agricultural purposes.

If the commission should not have time to prepare these projects, this topic will be considered included in the program and submitted to the consideration of the Sixth Conference.

4. Frontier police.

III. PROBLEMS OF COMMUNICATIONS

1. Consideration of the results of the work of the Inter-American Commission on Commercial Aviation, provided for by resolution of the Fifth International Conference of American States.

2. Regulation of international automotive traffic.

3. Means for facilitating the development of fluvial intercommunication between the nations of America.

4. (*a*) International regulation of railway traffic.

(*b*) Consideration of the report of the Pan American Railway Committee.

5. Organization of a technical commission to study and recommend the most effective means for the establishment of steamship lines to connect the countries of America and to recommend measures for the elimination of all unnecessary port formalities.

6. Consideration of the results of the Pan American Highway Conference, which met at Buenos Aires in October 1925, in compliance with a resolution of the Fifth International Conference of American States.

7. Consideration of the results of the Inter-American Electrical Communications Conference, which met at Mexico City in compliance with a resolution of the Fifth International Conference of American States.

IV. INTELLECTUAL COOPERATION

1. Establishment of a Pan American geographical institute which shall serve as a center of coordination, distribution, and dissemination of geographical studies in the American states and as an organ of cooperation between the geographical institutes of America for facilitating the study of boundary questions between the American nations.

2. Recommendation to the countries of America that in their legislation they levy a minimum duty on the importation of books and minimum postal rates on books and periodicals.

3. Recommendation to the countries, members of the Union, that have not yet done so, to publish geodetic, geological, agricultural maps, etc., which will give an idea of their natural resources, possibilities of development, and also of their means of communication.

4. Revision of the convention on intellectual property signed at Buenos Aires (1910).

5. Establishment of scholarships and fellowships.

6. Exchange of professors and students.

7. To recommend the establishment of special chairs, supported or subsidized by the government, for the study of the Spanish, English, and Portuguese languages and of their respective literatures.

8. To recommend the establishment in the universities of the countries, members of the Pan American Union, of special chairs for the study of the commercial legislation of the American Republics.

9. Consideration of the results of the Pan American Congress of Journalists, which met at Washington in compliance with a resolution of the Fifth International Conference of American States.

V. ECONOMIC PROBLEMS

1. Uniformity of legislation on consular fees.

2. Conference of chambers of commerce and, as a part of its program, organization of an inter-American chamber of commerce.

3. International aspects of immigration problems.

4. Revision of the conventions signed at Buenos Aires in 1910 and at Santiago, Chile, in 1923, with a view to formulating changes which shall assure uniform and effective protection for trade-marks in the states members of the Pan American Union.

5. Consideration of the results of the Conference on Uniformity of Communication Statistics, which met at Lima in December 1924, in compliance with a resolution of the Fifth International Conference of American States.

6. Consideration of the results of the Standardization Conference which met at Lima on December 23, 1924, in accordance with a resolution of the Fifth International Conference of American States and the conference which will meet at Washington in 1927.

VI. SOCIAL PROBLEMS

1. Consideration of the action taken by the American states in complying with the recommendations of the Fifth International Conference of American States on the Pan American maritime sanitary code.

2. Consideration of the action taken by the American states in complying with the resolution on principles and procedure in public-health administration approved by the Fifth International Conference of American States at its session of April 16, 1923.

3. Consideration of the results of the Conference on Eugenics and Homoculture which will meet at Habana in 1927, in compliance with a resolution of the Fifth International Conference of American States.

4. Consideration of the results of the Conference of Directing Heads of Public Health Services which was held at Washington in September 1926, in compliance with a resolution of the Fifth International Conference of American States.

5. Consideration of the action taken by the countries of America for the organization and development of national Red Cross societies, and the results of the Pan American Red Cross Conference referred to in the resolution adopted by the Fifth International Conference of American States on April 12, 1923.

VII. REPORTS ON TREATIES, CONVENTIONS, AND RESOLUTIONS

Submission by the delegates and consideration by the Conference of reports on the action taken by the states represented at the previous Pan American Conferences on the treaties, conventions, and resolutions adopted at said Conferences.

VIII

Future conferences.

Unanimously approved by the Governing Board of the Pan American Union at the meeting of April 12, 1927.

FRANK B. KELLOGG
Chairman

E. GIL BORGES
Secretary

REGULATIONS OF THE

SIXTH INTERNATIONAL CONFERENCE OF AMERICAN STATES

THE PERSONNEL OF THE CONFERENCE

Temporary President

Article 1. The Secretary of State of the Republic of Cuba, or the person whom the Chief Executive may designate, shall preside at the opening session of the Conference in the capacity of temporary president, and shall continue to preside as such until the permanent president is elected.

Officials

Art. 2. The permanent president of the Conference shall be elected by an absolute majority of the states represented at the Conference. The secretary general of the Conference shall be appointed by the President of the Republic of Cuba from among the delegates of that Republic.

In the first session there shall be settled by lot the numerical order of the delegations, for the purpose of establishing the order of precedence of their location and the order in which each is to occupy the chair in the absence of the president.

When the delegation upon which it shall devolve to occupy the chair at any session consists of more than one member, it shall designate the delegate who is to perform the functions of vice president.

Permanent President

Art. 3. The duties of the permanent president shall be:

First. To preside at the meetings of the Conference, and to submit for discussion in their regular order the subjects contained in the order of the day.

Second. To direct that each subject submitted to the Conference be referred to the proper committee, unless by a vote of two thirds of the delegates then present it shall be decided to proceed to its immediate consideration.

Third. To concede the floor to the delegates in the order in which they may have requested it.

Fourth. To decide all questions of order raised during the debates of the Conference. Nevertheless, if any delegate shall so request, the ruling made by the Chair shall be submitted to the Conference for decision.

Fifth. To call for votes and to announce the result of the vote to the Conference, as provided for by article 15.

Sixth. To announce to the Conference, through the secretary, at the close of each meeting the business to be discussed in the following meeting. But the Conference may make such changes as it may deem advisable, either as regards the time of the meeting or as to the order in which the pending business shall be discussed.

Seventh. To direct the secretary, after the approval of the minutes, to lay before the Conference such matters as may have been presented since the last meeting.

Eighth. To prescribe all necessary measures for the maintenance of order and the strict compliance with the regulations.

Vice Presidents

Art. 4. The duties of the vice presidents are:

Whenever occasion arises to perform the duties of presiding officer in accordance with article 2.

Secretary General

Art. 5. The duties of the secretary general are:

First. To have under his charge all the secretaries, interpreters, and other employees which the Government of Cuba may appoint for service with the Conference and to organize their respective duties.

Second. To receive, distribute, and answer the official correspondence of the Conference in conformity with the resolutions of that body.

Third. To prepare, or cause to be prepared, the minutes of the meeting in conformity with the notes the secretaries shall furnish him, and see that such minutes are printed and distributed among the delegates.

Fourth. To revise the translations made by the interpreters of the Conference.

Fifth. To distribute among the committees the matters to be reported by them and to place at the disposal of said committees everything that may be necessary for the discharge of their duties.

Sixth. To prepare the order of the day in conformity with the instructions of the president.

Seventh. To be the intermediary between the delegations or their respective members in all matters relating to the Conference and between the delegates and the Cuban authorities.

Eighth. To transmit the original minutes of the Conference and of the committees to the Director General of the Pan American Union for preservation in the archives of the Union; except as provided in Article 27.

COMMITTEES OF THE CONFERENCE

Art. 6. The Sixth International Conference of American States shall appoint such committees as it may deem necessary, determining the number of delegates of which they may consist, in conformity with the subjects included in the program submitted for the consideration of the Conference.

Art. 7. The permanent president shall submit to the Conference for approval the appointment of the members of the different committees.

Each committee will elect from among its members a chairman and vice chairman.

The chairman of each committee shall appoint a reporting delegate to present general antecedents and conclusions; and, if it be deemed desirable, one or more special reporting delegates to explain the different aspects of the question under consideration and propose conclusions which they may consider advisable. The chairman, the general reporting delegate, and the special reporting delegates will in every case take measures to assure that the proposals which may be formulated bear proper relation to one another.

A report having been adopted by the committee, the chairman of the committee shall designate a reporting delegate to draw up the report in definitive form for the approval of the committee and to present it to the Conference. The chairman of the committee may be designated as reporting delegate, and in any case he shall assist the reporting delegate during the discussion of the plenary session.

The minority group of a committee shall have the right to designate a reporting delegate to present its views to the Conference.

Art. 8. Delegates may attend the meetings of all committees and participate in their debates, but they shall have no right to vote.

MEETINGS OF THE CONFERENCE

Number of Meetings

Art. 9. The first meeting shall take place at the time and place designated by the Government of Cuba, and the further sessions at such days and hours as the Conference may determine.

Quorum

Art. 10. To hold a meeting it is necessary that a majority of the nations attending the Conference be represented by at least one of their delegates.

Reading of the Minutes

Art. 11. At the opening of the meeting the secretary shall read the minutes of the preceding meeting, unless dispensed with. Notes shall be taken of any remarks the president or any of the delegates may make thereon, and approval of the minutes shall be in order.

Order of Debates and Votes

Art. 12. When the president shall have submitted for discussion the subjects contained in the order of the day, the Conference shall first discuss them in a general way, and those approved shall be the object of a second discussion in detail, taking up one by one the articles contained in the project under discussion.

Art. 13. The Conference may by a two-thirds vote of the delegations present suspend the rules and proceed to the immediate discussion of a motion, which shall at once be discussed in general and in detail.

Art. 14. All proposed amendments shall be referred to the respective committee, unless the Conference shall decide otherwise; and they shall be put to a vote before the article or motion the text of which they are intended to modify is acted upon.

Art. 15. The delegation of each Republic represented at the Conference shall have but one vote, and the votes shall be taken separately by countries and shall be recorded in the minutes.

Votes as a general rule shall be taken orally, unless any delegate should request that they be taken in writing. In this case each delegation shall deposit in an urn a ballot containing the name of the nation which it represents and the sense in which the vote is cast. The secretary shall read aloud these ballots and count the votes.

Art. 16. The Conference shall not proceed to vote on any resolution or motion relating to any of the subjects included in the program except when at least two thirds of the nations attending the Conference are represented by one or more delegates.

Art. 17. Except in cases expressly indicated in these regulations, resolutions, or motions under consideration by the Conference are approved when they have obtained the affirmative vote of an absolute majority of the delegations represented by one or more of its members at the meeting where the vote is taken. The delegation which may have sent its vote to the secretary shall be considered as present and represented at the meeting.

Art. 18. When by reason of absence or abstention the vote of the Conference should not attain the majority as required by the two foregoing articles, the matter shall be submitted for further consideration at a subsequent meeting on motion of any delegation. But should such abstention continue at this meeting further consideration of the question shall then be postponed.

Rights and Duties of Members

Art. 19. Delegates may speak in their own language, from manuscript, or otherwise, and upon the termination of any speech either the delegate or one of the interpreters of the Conference shall, upon request of any one delegation, at once render orally a synopsis of the principal points of the speech in the language or languages that such delegation may suggest. This shall also apply to the remarks of the president and of the secretary.

Art. 20. No delegation may, through any of its members, speak more than twice on the same subject, nor shall any delegation occupy the floor for more than 30 minutes at a time. Any delegate, however, shall have the right to speak for no more than 5 minutes upon a question of order or to answer any personal allusions or to explain his vote, and the author of a motion may speak once more, not exceeding 30 minutes.

Art. 21. Any delegate may submit to the Conference his written opinion upon the matter or point in debate, and may request that it be spread upon the minutes of the meeting in which it has been submitted.

Likewise, any delegation that is not to be present at the time a vote is taken may write down its vote and leave it with or send it to the secretary, and at the time of canvassing the votes, such votes shall be reckoned as if the delegation were present.

Art. 22. Attendance at the deliberations of the Conference shall be confined to the following: The delegates with their respective secretaries and attachés; the Director or other accredited representative of the Pan American Union and his secretary; the secretaries of the sessions; the interpreters and stenographers of the Conference; such representatives of the press as are properly accredited and as are approved by the Committee on Organization; and the authorized attendants: *Provided, however,* That the Conference may by a majority vote extend the courtesies of the Conference to such persons as it may at any time designate.

Whenever any delegation may request that a meeting go into executive or secret session, the motion shall immediately be put and voted upon without discussion. If the motion be carried, the representatives of the press will at once withdraw, and all persons present will be enjoined to absolute secrecy as regards the business transacted at the meeting.

At the close of each session proper communication of the proceedings shall be made to the press, when desirable, by the secretary general, who will perform this duty under the general guidance of the Committee on Publications.

Resolutions and Reports Thereupon

Art. 23. The reports of the committees and the resolutions to which they refer shall be printed in Spanish, Portuguese, English, and French, and shall be distributed at the next following meeting to the delegates for their consideration, but shall not be submitted for discussion until the next meeting after they were distributed in print, at least in Spanish and English.

Amendments to the Program

Art. 24. The deliberations of the Conference shall be confined to such subjects as are contained in the program, except when by a vote of two thirds of the delegations the Conference decides to take under consideration a new matter submitted by one delegation and seconded by another.

A motion to take under consideration a new subject shall be decided without debate.

Number of Meetings

Art. 25. The number of meetings of the Conference shall not exceed 30. This limit, however, may be extended in case of a matter of vital importance and by a vote of two thirds of the delegations present at the Conference.

The closing meeting shall take place as soon as all the subjects in the program have been discussed.

Printing of the Minutes

Art. 26. The minutes approved by the Conference shall be signed by the president and the secretary general. They shall be printed in Spanish, English, Portuguese, and French, in pages of two columns, and a sufficient number of copies shall be issued so that each delegate may receive four copies. The original minutes shall be preserved in the archives of the Pan American Union, at least in Spanish and English.

Signature of the Final Act

Art. 27. The day before the closing of the Conference shall be devoted to the discussion and approval of the report written and printed in Spanish, English, Portuguese, and French, containing the text of all treaties, conventions, agreements, votes, resolutions, and recommendations discussed and approved by the Conference. The original of the final act shall be signed by the delegations, and the Government of the Republic of Cuba shall send, within 90 days after the actual adjournment of the Conference, a certified copy of said reports to each of the Governments represented at the Conference and to the Pan American Union.

Amendments to the Regulations

Art. 28. The foregoing rules shall be transmitted to the respective Governments immediately after their adoption by the Governing Board of the Pan American Union, and they shall govern the action of the Conference unless and until altered, amended, or repealed by the Conference itself, by a two-thirds vote. Motions for this purpose shall be submitted to a vote without debate.

Unanimously adopted by the Governing Board of the Pan American Union at the meeting of November 3, 1926.

Frank B. Kellogg
Chairman

E. Gil Borges
Secretary

APPENDIX 2

ADDRESS OF HIS EXCELLENCY GENERAL GERARDO MACHADO Y MORALES, PRESIDENT OF CUBA

January 16, 1928

Your Excellency the President of the United States, Delegates: Intense is our joy and complete our faith in the future destinies of our hemisphere when, gazing over this hall, adding brilliancy to this transcendental occasion, we behold the illustrious person of His Excellency Calvin Coolidge, Chief Executive of the greatest of all democracies; head of the great people whom Cuba had the honor of seeing at her side in her bloody struggle for independence, which she enjoys without limitation, as stated in the joint resolution of April 20, 1898, honorably applied and inspired by the same ideals set forth in the ever famous Declaration of Independence of North America, liberty's greatest monument and gospel of rights of man and countries; and the select group of distinguished persons who constitute the delegations of the nations of America, which, throughout a century, have contributed with intense activity to the welfare of the world and to the great progress of its latest historical period. I offer to all of you the effusive greetings of the people of Cuba whom I have the honor of representing on this solemn occasion; to your peoples I express fervent wishes for their prosperity and greatness and, to your Chiefs of State, the prophecy that, as a product of this new gathering of all Americans, we may complete, during their incumbencies, that which constitutes our common aspiration, the rule of Peace and Justice.

The representatives of the American Republics gather once more with the practical purpose of the consolidation of a mutual, beneficial, and positive brotherhood, both in spirit and in interests. The International American Conference, initiated at Washington thirty-nine years ago, and continued at Mexico, Rio de Janeiro, Buenos Aires, and Santiago de Chile, again meets to toil for the welfare and glory of this hemisphere, root of a new humanity and crucible of a new civilization.

Cuba is proud of your presence in her Capital for the celebration of such an extraordinary event. Regarding myself I have never felt as much pleasure as I do on these solemn moments in which I behold my country as the seat of an assembly that, animated by the most serene conciliatory spirit, directs its efforts towards the approximation, development, and strengthening of the spiritual and material bonds between states that have been destined for fraternal love by geography and history.

Pan-Americanism is a constructive work that does not imply antagonisms but, on the contrary, cooperates for universal peace, for a better understanding amongst all peoples; towards the spiritual and moral unity of the nations of the world; that if in any manner it wishes to signify itself, it is in the desire of being placed at the front, bearing in mind that in international life, greatness should not be judged by standards inspired by admiration for brute force, but by the efforts of each nation within the scope of civilization.

Pan-Americanism is not merely the result of covenants, treaties, or noble institutions; it is also, and primarily, public spirit, will of the people, and collective ideal.

This public spirit, this will, and this ideal, must be molded on the progress made in individual fields, considering that the victim deserves respect and the aggressor condemnation; regard and affection, the country that in constant labor, carries its valuable contribution towards collective well-being; admiration, the state that places at the service of the common cause of progress, its daily efforts, civic activity, hopes, and aspirations. The great principle of cooperation must substitute the idea of separation of interests. Pan-Americanism is the synthesis of all principle of good that rises from the life of the individuals to that of the states.

It is not my purpose to suggest rules of conduct to such an illustrious assembly, but, if I am permitted to express the sentiments of my people, I will say to you that Cuba, one of the last republics to join this family of nations, aspires, with the faith of a novice, to see this hemisphere as the exponent of the most sincere cordiality; of the firmest union; to see the nations here represented, though politically separated, united in the common name of America; some, not allowing their control by unjustified prejudices that may reveal impotence, and others, any demonstration that might result in an involuntary threat; that we may feel the magnificent effect of our common traditions and see, with clear vision, the great enterprise that the future expects from our countries and our men, while maintaining our love for the countries of our respective births and paying them due homage, for which no sacrifice is excessive, no matter how great it may be.

The constitution of the Pan American Union upon a juridicial foundation; the codification of the generally accepted principles of international law; the consideration of the results of the technical conferences held with specific aims: of communications, customs, sanitation, etc., and the promotion of more profitable economic relations, constitute a beautiful program that may meet the aspirations of our peoples.

The work outlined will not be difficult if we direct our thoughts towards good with the determination of being useful to humanity and not to one continent.

Nothing nor no one can now oppose the tide that impels the destinies of the Western Hemisphere towards its definite brotherhood under the shelter of the juridicial standards that are indispensable for the maintenance of peace. If we reach that end in the Sixth International American Conference, and a similar aim prevails in the minds and souls of all here present, this alone will be sufficient to mark the meeting of your assembly at Habana as a brilliant milestone in the annals of modern international life.

All of you feel the desire to find basic formulas that will harmonize the common interests of all Americans. Peace through the absolute preponderance of Justice, without which happiness is not possible, neither among individuals nor amongst nations; justice secured upon adequate resolutions freely accepted by all nations, without discrimination.

But I have not come here to state axioms already accepted by all. It is sufficient for me to express that this nation has directed and directs all her energies towards the fruitful labors of peace, order, liberty, and progress, upon which her glory rests, and if success has crowned her efforts, it is due to that spirit of admiration that she had at birth for all lands of America and for those nations that preceded her in the conquest of independence which constitutes the supreme good of all countries. A free nation she, to-day, offers you her hospitality and, in her name, I say to you that in her bosom you will find the warmth of the hearth, the shelter of the ally, and the love of the fellow-citizen.

Delegates; receive my welcome, my prophecy of success and my encouragement for victory!

ADDRESS OF HIS EXCELLENCY CALVIN COOLIDGE, PRESIDENT OF THE UNITED STATES

January 16, 1928

Mr. President and Members of the Pan American Conference: No citizen of any of the Americas could come to the Queen of the islands of the West Indies without experiencing an emotion of gratitude and reverence. These are the outposts of the new civilization of the western hemisphere. It was among them that the three small ships of the heroic Admiral came when, with the assistance and support of Spain, Columbus presented to Europe the first widespread, public, and authoritative knowledge of the New World. Other points may have been previously visited, but for these was reserved the final revelation. The Great Discoverer brought with him the seed of more republics, the promise of greater human freedom, than ever crossed the seas on any other voyages. With him sailed immortal Declarations of Independence and Great Charters of self-government. He laid out a course that led from despotism to democracy. Edward Everett Hale, a seer of New England, tells us that this gallant seaman who rose above the storms to become the forerunner of an age of pioneers,

> Left blood and guilt and tyranny behind,
> Sailing still West the hidden shore to find;
> For all mankind that unstained scroll unfurled,
> Where God might write anew the story of the World.

In the spirit of Christopher Columbus all of the Americas have an eternal bond of unity, a common heritage bequeathed to us alone. Unless we together redeem the promise which his voyage held for humanity, it must remain forever void. This is the destiny which Pan America has been chosen to fulfil.

As we look back over the accomplishments of the past four centuries, we can see that we are warranted in asserting that the Western Hemisphere has not failed in the service that it seemed destined to render to humanity. Progress does not go forward in a straight line. It is a succession of waves. We can not always ride on their crest, but among our republics the main tide of human advancement has been steadily rising. The people have taken charge of their own affairs. In spite of some temporary discouragements, they have on the whole been successful. The fertility of a virgin soil, a wealth of mineral deposits, an abundance of water power, a multitude of navigable rivers, all at the command of a resourceful people, have produced a material prosperity greater in amount and more widely distributed than ever before fell to the lot of the human race. The arts and sciences have flourished, the advantages of education are widespread, devotion to religion is marked by its sincerity. The spirit of liberty is universal. An attitude of peace and good will prevails among our nations. A determination to adjust differences among ourselves, not by a resort to force, but by the application of the principles of justice and equity, is one of our strongest characteristics. The sovereignty of small nations is respected. It is for the purpose of giving stronger guaranties to these principles, of increasing the amount and extending the breadth of these blessings, that this conference has been assembled.

The very place where we are meeting is a complete demonstration of the progress we are making. Thirty years ago Cuba ranked as a foreign possession, torn by revolution and devastated by hostile forces. Such government as existed rested on military force. To-day Cuba is her own sovereign. Her people

are independent, free, prosperous, peaceful, and enjoying the advantages of self-government. The last important area has taken her place among the republics of the New World. Our fair hostess has raised herself to a high and honorable position among the nations of the earth. The intellectual qualities of the Cuban people have won for them a permanent place in science, art, and literature, and their production of staple commodities has made them an important factor in the economic structure of the world. They have reached a position in the stability of their Government, in the genuine expression of their public opinion at the ballot box, and in the recognized soundness of their public credit that has commanded universal respect and admiration. What Cuba has done, others have done and are doing.

It is a heavy responsibility which rests upon the people and the governments represented at this conference. Unto them has been given a new land, free from the traditional jealousies and hatreds of the Old World, where the people might come into the fullest state of development. It is among the republics of this hemisphere that the principle of human rights has had its broadest application; where political freedom and equality and economic opportunity have made their greatest advance. Our most sacred trust has been, and is, the establishment and expansion of the spirit of democracy. No doubt we shall make some false starts and experience some disappointing reactions. But we have put our confidence in the ultimate wisdom of the people. We believe we can rely on their intelligence, their honesty, and their character. We are thoroughly committed to the principle that they are better fitted to govern themselves than anyone else is to govern them. We do not claim immediate perfection. But we do expect continual progress. Our history reveals that in such expectation we have not been disappointed. It is better for the people to make their own mistakes than to have some one else make their mistakes for them.

Next to our attachment to the principle of self-government has been our attachment to the policy of peace. When the republics of the Western Hemisphere gained their independence, they were compelled to fight for it. They have always been a brave, resolute, and determined people, willing to make any sacrifices to defend what they believed to be their rights. But when once their rights have been secured, they have been almost equally solicitous to respect the rights of others. Their chief efforts have been devoted to the arts of peace. They have never come under the delusion of military grandeur. Nowhere among these republics have great military establishments ever been maintained for the purpose of overawing or subjugating other nations. We have all nourished a commendable sentiment of moderate preparation for national defense, believing that for a nation to be unreasonably neglectful of the military art, even if it did not invite and cause such aggression as to result either in war or in abject humiliation, must finally lead to a disastrous disintegration of the very moral fiber of the nation. But it is one thing to be prepared to defend our rights as a last extremity and quite another to rely on force where reason ought to prevail. The form of our governments guarantees us against the Old World dynastic wars. It is scarcely too much to say that the conflicts which have been waged by our republics for 150 years have been almost entirely for the purpose of securing independence and extending the domain of human freedom. When these have been accomplished, we have not failed to heed the admonition to beat our swords into plowshares.

We have kept the peace so largely among our republics because democracies are peace-loving. They are founded on the desire to promote the general welfare of the people, which is seldom accomplished by warfare. In addition to this we have adopted a spirit of accommodation, good will, confidence, and mutual helpfulness. We have been slow to anger and plenteous in mercy. When this

attitude prevails it is not difficult to find practical means of adjusting differences. The statesmanship of the southern American republics has shown a peculiar skill and aptitude in this field. It began with mutual consultation. The first Pan American Congress assembled at Panamá City about 100 years ago. The purpose of that gathering has never been forgotten and it may be said to have marked the beginning of a permanent institution. The republics south of the Rio Grande have produced a most impressive record of a resort to mediation, arbitration, and other peaceful methods of the adjustment and adjudication of their international differences. A study of their treaties will disclose some of the finest examples of mutual covenants for the limitation of armaments and the avoidance of hostile conflict. In the discovery of the true principles of international relations, and in the practical ability of putting them into effect, they have demonstrated a moral power and strength of character for which the whole world should be profoundly grateful.

The Pan American Conferences meet for the purpose of maintaining and extending these important principles. It is impossible to conceive of a more inspiring motive which men could entertain in dealing with the affairs of this world. You have convened to take counsel together for increasing the domestic welfare of the free people of our independent republics and promoting international peace. No other part of the world could provide constituencies which all have such a unity of purpose. The whole atmosphere of the Conference is animated with the spirit of democracy and good will. This is the fundamental concept of your organization. All nations here represented stand on an exact footing of equality. The smallest and the weakest speaks here with the same authority as the largest and the most powerful. You come together under the present condition, and the future expectation, of profound peace. You are continuing to strike a new note in international gatherings by maintaining a forum in which not the selfish interests of a few, but the general welfare of all, will be considered.

If you are to approximate your past successes, it will be because you do not hesitate to meet facts squarely. We must consider not only our strength but our weaknesses. We must give thought not only to our excellence but to our defects. The attitude of the open mind must prevail. Most of all, you must be guided by patience, tolerance, and charity, judging your sister nations not only by their accomplishments, but also by their aspirations. A Divine Providence has made us a neighborhood of republics. It is impossible to suppose that it was for the purpose of making us hostile to each other, but from time to time to reveal to us the methods by which we might secure the advantages and blessings of enduring friendships.

Like the subjects which have occupied the attention of your predecessors, the topics contained in the agenda of the present Conference call for cooperative international action. They belong to the class of inquiries that produce closer international relations, promoting the good of all in the political, economic, social, and cultural spheres. Your predecessors have shown great wisdom in directing their attention to the matters that unite and strengthen us in friendly collaboration—subjects that develop an inter-American unity of sentiment which alone can make our common endeavors fruitful.

The existence of this Conference, held for the consideration of measures of purely American concern, involves no antagonism toward any other section of the world or any other organization. It means that the independent republics of the Western Hemisphere, animated by the same ideals, enjoying the common blessings of freedom and peace, realize that there are many matters of mutual interest and importance which can best be investigated and resolved through the medium of such friendly contact and negotiation as is necessary for cooperative

action. We realize that one of the most important services which we can render to humanity, the one for which we are peculiarly responsible, is to maintain the ideals of our Western World. That is our obligation. No one else can discharge it for us. If it is to be met, we must meet it ourselves. We must join together in assuring conditions under which our republics will have the freedom and the responsibility of working out their own destiny in their own way.

The proceedings of the successive Pan American Conferences reveal a record of achievement which, without attempting the spectacular, constantly builds on the solid foundation of the immediately attainable. With each succeeding Conference the agreements for the orderly settlement of such differences as may arise between the American republics have been extended and strengthened, thus making their relationship more certain and more secure. Each Conference has contributed its share toward developing more intimate cultural ties among the nations of this hemisphere, and establishing new currents of mutual understanding. Obstacles to closer economic relations have been removed, thus clearing the pathways of commercial intercourse.

Of scarcely less importance have been the many special conferences which from time to time have assembled for the purpose of dealing with the more technical questions in the relations between the republics of America. The meetings of the International Commission of Jurists, the Pan American Highway Conferences, the Child Welfare Conferences, the Sanitary Conferences, the Conference on Consular Procedure, the Scientific Congresses, the Financial Conferences, the Red Cross Conferences, and the highly important and significant Congress of Journalists have all served to strengthen that spirit of Pan American solidarity which, in the last analysis, represents one of the greatest achievements of our American civilization and one which, in the future, is destined to play so important a part in the fulfilment of the high mission intrusted to the republics of this hemisphere.

It has been most gratifying to witness the increasing interchange of university professors and the constantly growing stream of student migration from one country to another. No other influence can be more potent and effective in promoting mutual comprehension of national aims and ideals. It is sincerely to be hoped that this cultural interchange will with each year assume larger proportions.

It is not desirable that we should attempt to be all alike. Progress is not secured through uniformity and similarity but rather through multiplicity and diversity. We should all be intent on maintaining our own institutions and customs, preserving the purity of our own language and literature, fostering the ideals of our own culture and society. In a territory reaching from the north temperate zone through the tropics to the south pole, there is room enough for every worthy activity which is profitable and every ideal which is good. Our geographical location, as well as our political ideals, has endowed us with a self-contained unity and independence. Instead of considering our variations as an obstacle, we ought to realize that they are a contribution to harmonious political and economic relations.

In this great work of furthering inter-American understanding, a large responsibility rests upon the press of all countries. In our present stage of civilization, knowledge of foreign people is almost wholly supplied from that source. By misinterpreting facts, or by carelessness in presenting them in their true light, much damage can be done. While great progress has been made toward the publication of fuller information and unbiased views, a better exchange of news service would do much to promote mutual knowledge and understanding. What happens in this hemisphere is of more vital interest to all of us than what happens across any of the oceans.

An increase of information depends largely on an increase in the means of communication. During the entire nineteenth century intercourse between the American republics was exceedingly difficult, and this isolation proved a serious obstacle to closer understanding. The twentieth century, however, and especially the last 10 years, have witnessed astonishing changes in this respect. Transportation by water has become rapid, comfortable, and relatively inexpensive. Shipping facilities from the United States have been largely improved. Our Government is greatly interested in increasing their efficiency. Railway lines have been extended so that it will soon be possible to travel with practically no interruption from the northern border of the United States to the southern border of El Salvador, and in South America from Perú to Patagonia. During very recent years every government of this hemisphere has been giving special attention to the building of highways, partly with a view to establishing feeders to the railway lines, but also to provide great arteries of inter-American communication for motor transport. On the wall of my office hangs a map showing proposed highways connecting the principal points of our two Continents.

I am asking the United States Congress to authorize sending engineering advisers, the same as we send military and naval advisers, when requested by other countries, to assist in road building. These gratifying changes are about to be supplemented by the establishment of aviation routes, primarily for the transportation of mails, which will afford to our republics a channel of interchange which will find its ultimate expression in closer cultural and commercial ties and in better mutual comprehension. Our Congress also has under consideration proposals for supporting such air routes. Citizens of the United States are considering installing them.

Private organizations of a civic, cultural, and educational character also have a great opportunity to help in the development of a closer understanding amongst the nations of America. The fine cooperation of the Red Cross Societies of the American continents is an outstanding instance of the field for service open to the civic and philanthropic organizations of this hemisphere.

In the domain of commercial relations, the last few years have witnessed an extraordinary strengthening of the economic ties binding together our republics. In both agricultural and industrial production the countries of America are now complementing one another to an unusual degree, resulting in an increasing exchange of commodities. Furthermore, recent years have witnessed a most gratifying rise in the standards of living of the wage earners throughout the Americas. They enjoy a greater productive and earning capacity, with a consequent increase in their purchasing power which has been reflected in the growing volume of inter-American commerce, destined to become more and more important as it combines a scientific utilization of natural resources with an increasing economic power of the masses of the people. The greater a nation becomes in wealth and production, the more it has for the service of its neighbors, the larger its markets for the goods of others. The operation of natural forces, supplemented by the conscious purpose of the governments and peoples of the Americas, has increased their mutual interest in each other and strengthened the commercial ties among them.

In this work of inter-American cooperation, an important part has been played by the Pan American Union. It stands as the permanent organ of these conferences. This international organization has labored unceasingly to give effect to the treaties and resolutions adopted by the successive conferences. Its scope of usefulness is constantly being enlarged and its ability to serve the American republics is strengthened with each year that passes.

In the area of political relations the results have been no less gratifying and even more significant. It is almost impossible fully to appreciate the remarkable

record achieved by the republics of America in the settlement of the differences that have arisen among them. Because of ill-defined boundaries of the sparsely settled political subdivisions of the old Spanish colonial empire, the independent states of America carved out of it fell heir to a large number of territorial disputes which, in many cases, were of an exceedingly delicate and difficult nature. It is a tribute to the spirit of good will and mutual accommodation which has dominated the relations among the nations of the Western World that most of these disputes have been settled by the orderly process of negotiation, mediation, and arbitration. The adjustment of international differences on the American continents has happily advanced to a stage at which but few questions remain unsolved. This extraordinary record of achievement places heavy responsibility upon the present generation to advance the great work that has been so auspiciously begun.

It is a high example that we have set for the world in resolving international differences without resort to force. If these conferences mean anything, they mean the bringing of all our people more definitely and more completely under the reign of law. After all, it is in that direction that we must look with the greatest assurance for human progress. We can make no advance in the realm of economics, we can do nothing for education, we can accomplish but little even in the sphere of religion, until human affairs are brought within the orderly rule of law. The surest refuge of the weak and the oppressed is in the law. It is preeminently the shield of small nations. This is necessarily a long, laborious process, which must broaden out from precedent to precedent, from the general acceptance of principle to principle. New activities require new laws. The rules for the governing of aviation are only beginning to be considered. We shall make more progress in the end if we proceed with deliberation. No doubt you will find in your discussions many principles that you are ready to announce as sound and settled rules of action. But there are certain to be other questions concerning which it is not possible at the present time to lay down a specific rule of law. This need not discourage anyone. It is rather the most conclusive evidence that the results which have been secured are not of a temporary and ill-considered nature, but a mature statement of sound and conclusive principles.

The founders of our republics sought no peculiar preferment for themselves. That same disinterested spirit which has animated the conduct of our past conferences has given the American family of nations a high place in the opinion of the world. Our republics seek no special privileges for themselves, nor are they moved by any of those purposes of domination and restraints upon liberty of action which in other times and places have been fatal to peace and progress. In the international system which you represent the rights of each nation carry with them corresponding obligations, defined by laws which we recognize as binding upon all of us. It is through the careful observance of those laws which define our rights and impose our duties that international cooperation is possible. This lays on us all a continental responsibility which none of us wishes to avoid and the fulfilment of which is one of the most important guaranties of international friendship.

While the law is necessary for the proper guidance of human action, and will always remain the source of freedom and liberty and the ultimate guaranty of all our rights, there is another element in our experience which must always be taken into consideration. We read that "The letter killeth but the spirit giveth life." Oftentimes in our international relationship we shall have to look to the spirit rather than to the letter of the law. We shall have to realize that the highest law is consideration, cooperation, friendship, and charity. Without the application of these there can be no peace and no progress, no liberty, and no republic. These are the attributes that raise human relationships out of the

realm of the mechanical, above the realm of animal existence, into the loftier sphere that borders on the Divine. If we are to experience a new era in our affairs, it will be because the world recognizes and lives in accordance with this spirit. Its most complete expression is the Golden Rule.

The light which Columbus followed has not failed. The courage that carried him on still lives. They are the heritage of the people of Bolivar and of Washington. We must lay our voyage of exploration toward complete understanding and friendship. Having taken that course, we must not be turned aside by the fears of the timid, the counsels of the ignorant, or the designs of the malevolent. With law and charity as our guides, with that ancient faith which is only strengthened when it requires sacrifices, we shall anchor at last in the harbor of justice and truth. The same Pilot which stood by the side of the Great Discoverer, and the same Wisdom which instructed the founding fathers of our republics, will continue to abide with us.

APPENDIX 3

ADDRESS OF THE MINISTER OF FOREIGN AFFAIRS OF CUBA, RAFAEL MARTÍNEZ ORTIZ, TEMPORARY PRESIDENT OF THE CONFERENCE

January 18, 1928

Delegates of all the Nations of America: Seldom has the world seen a spectacle such as that which brings us together in this hall. Here are representatives of all the sovereign nations of our hemisphere, eminent public men from each of them. We have had among us, as if to place a special stamp of greatness on this occasion, the Chief Executive of the greatest democracy and the wealthiest among those which are memorable in the annals of the world, His Excellency Calvin Coolidge. Among our visitors are several who are secretaries of state and some that have occupied that position, such as the Honorable Charles Evans Hughes, whose name is bound to a document of such historical significance as the naval disarmament treaty of February 6, 1922. And this admirable aggregation of superior minds is congregated with but one desire, with but one purpose: to look, with faith in their aim and with hope in the results, for harmonious concord among peoples; of brotherhood among men; of perpetual peace among nations, making the Goddess Themis, daughter of Heaven and Earth, and beatific symbolical expression of Justice, the supreme guaranty of international relations.

To our America, gentlemen, in modern times, belongs the imperishable honor that it was her statesmen who were the first to raise their voices to demand a truce to violence, protection to arms, without hatred, without sacrificing the best social elements in cruel slaughters of fellow-beings, without carrying mourning and desolation to the home, without sowing broadcast the blind fury of the Eumenides; but, on the contrary, proclaiming through heralds of peace that only love, mutual respect, and concord ought to rule among peoples.

Simon Bolivar, immortal genius, a lion in war but with a gentle and profoundly human soul, was the first champion of fraternal harmony and of common defense for the independent states of America.

Spain was not then willing to definitely lose her overseas empire and many of the powerful states of Europe, some with hopes on the possible distribution of territory, or with the idea of obtaining commercial advantages; others alarmed by the growing strength of the American principle of "popular sovereignty" so brilliantly and completely stated in the Declaration of Independence of the United States of North America which was unanimously adopted on the 4th of July, 1776, and converted into the gospel of all our hemisphere, aspired to impose their veto on the spirit of progress that appeared radiantly as the rising sun on the other side of the sea, capable of lighting a new stage in the forward march of humanity.

Count de Ofalia, Don Narciso de Heredia, Minister of State in Spain, requested all the great European powers to meet in a conference at Paris. It was the last card to be played, and Viscount Chateaubriand, Minister of Foreign Relations of Louis XVIII, sent communication after communication to the Ambassador at Madrid, the Marquis of Talaru, to encourage the Spanish Government in its hopes, in exchange for obtaining among other advantages for his country, free

trade with the colonies of America. All those illusions were thwarted by the opposition of Canning, and the, perhaps at the time, audacious declaration of President James Monroe of December 2, 1823, made any revival of them impossible.

But Bolivar's thought had more scope, his vision a broader horizon. He was in advance of his time. His desire to assemble the Congress of Panamá must always be remembered in these gatherings of American countries who direct their steps toward the same end. The communication of José María Salazar, Minister of Colombia at Washington, of the 2nd of November, 1825, and which no doubt expressed the point of view of the great Liberator, contains among others these thoughts: "At Panamá the best and most opportune occasion is offered to the United States to fix some principles of international law, the unsettled state of which has caused much evil to humanity." And further: "The consideration of the means to be adopted for the entire abolition of the African slave trade, is a subject sacred to humanity and interesting to the policy of the American states." Though recalling his second declaration as not of moment in our picture of to-day, the declaration was so great and so generous that it is worthy of repeating.

But, gentlemen, history must be absolutely impartial, and in remembering Bolivar's high-minded aspiration in regard to the fraternal union of our hemisphere, it would not be just to forget another sympathetic statesman of America, Henry Clay, who was always a fervent laborer for Pan-Americanism, though perhaps with a more analytical and circumstantial spirit than Bolivar. Clay not only supported Bolivar in his principal points of view, but after 1820 he publicly expressed his hopes for the establishment of a "League of Human Liberty in America" in which "all nations from Hudson Bay to Cape Horn" could be united; not only due to the necessity of presenting, in close compact their resistance to Europe, oppressed by despotism; but also to fortify more and more, by the power of example, the moral influence of the American system, and to extend it and carry it to the constitution of a home, a refuge of liberty and of its lovers on the ground soaked with the blood of the heroes of the Revolution.

If the tender and humanitarian thought of those illustrious forerunners could not grow and give seasoned fruit, the fault was of the times; but the seed laid in the furrow did not fall on sterile soil. Those who planted it have disappeared, engulfed by the never-ceasing whirlwind of life and death, but they willed to us the duty of continuing its cultivation for our own prestige and for the hope of our descendants and all humanity.

More than fifty years passed before the appearance of a new and robust sprout of the Pan-American idea. Its initiator was the eminent James G. Blaine, Secretary of State of Presidents Garfield and Arthur, of the United States of North America. In a circular of November 9, 1881, he addressed all the governments of America, inviting them to a conference at Washington. Referring to the purposes of the President of the United States, he stated in one of his paragraphs: "He conceives that none of the governments of America can be less alive than our own to the dangers and horrors of a state of war, and especially of war between brothers."

The conference could not take place at that time, perhaps due to Mr. Blaine's retirement from the Department of State. Several years afterwards, October 2, 1889, under the administration of Benjamin Harrison, and with the same objective in view, the First International American Conference was opened at Washington, the beginning of a series, of which we inaugurate the sixth to-day. It was a very solemn occasion. Delegates from eighteen nations attended. (Cuba and Panamá did not as yet exist as independent nations.)

Among the matters to be discussed, all of capital importance, we can remember the first and seventh. They were as follows: "Measures that tend to maintain peace and promote the prosperity of the several American states"; "Arrangement and recommendation of a definite plan of arbitration for all questions, disputes, and differences that may exist or come up between the different American states, with the purpose that all difficulties and questions between said states can be terminated peacefully and prevent war."

In his short but important opening speech, the illustrious Secretary Blaine expressed himself in the following manner:

> The delegates I am addressing can do much to establish permanent relations of confidence, respect, and friendship between the nations which they represent. They can show to the world an honorable, peaceful conference of eighteen independent American powers, in which all shall meet together on terms of absolute equality; a conference in which there can be no attempt to coerce a single delegate against his own conception of the interests of his nation; a conference which will permit no secret understanding on any subject, but will frankly publish to the world all its conclusions; a conference which will tolerate no spirit of conquest, but will aim to cultivate an American sympathy as broad as both continents; a conference which will form no selfish alliance against the older nations from which we are proud to claim inheritance; a conference, in fine, which will seek nothing, propose nothing, endure nothing that is not, in the general sense of all the delegates, timely and wise and peaceful.

Referring to the then existing population of our hemisphere and in which he only counted that corresponding to the independent nations, he mentioned the figure of one hundred and twenty millions of inhabitants. To-day, without counting that of Canada, which totals already over eight millions, the population of America is above two hundred and ten millions, according to the latest census. A formidable increase in less than forty years and one which makes us see in perspective the goal our nations will arrive at in a relatively short time.

The very ample discussions included all problems that could affect continental interests: Maritime and railway communications, mercantile nomenclatures, trade-marks and patents, sanitary regulations, and other matters. But the culminating subject was the "Plan of arbitration." While recommending its adoption and, after affirming that war is the most cruel, ineffectual and dangerous means for the settlement of international conflicts, the delegates solemnly recommended to all the Governments by which they were accredited, the conclusion of a uniform treaty of arbitration between the American Republics.

The City of Mexico being designated for the Second International Conference, the eminent Secretary of State of the Mexican nation, the Honorable Ignacio Mariscal, under date of August 15, 1900, sent an invitation to all the nations of the hemisphere. With a clear conception of the problem, he said:

> Although an appalling pessimism declares useless all endeavors to realize among men the predominance of justice, and gives preference to might over right, it must be borne in mind that the constant assertion of sane theories and their official sanction by the Governments through agreements or declarations made by common accord, which morally bind them, notwithstanding the means to compel their observance be lacking, will create a powerful opinion aiming at extirpating the most deep-rooted evils, as has been the case with slavery and other aberrations, that it was necessary to remove in the names of reason and philosophy.

All the independent nations of America, forming at that time a group of nineteen, attended the call and the opening took place on the 22d of October, 1901. The address of the Secretary of State, Mr. Mariscal, was admirable. He expressed the purest conception of American and universal brotherhood and his words will always do honor in history to their author and his illustrious country.

He referred to the Hague Peace Conference, which took place in 1899, on the initiative of the Emperor of Russia and his Minister of Foreign Affairs, Count Mouravieff. This statesman, with a clear vision of the disaster that threatened the world by the unrestrained desire of the powers to arm themselves, had said in calling the Conference:

> Economic crises, due in great part to the system of amassing armaments to the point of exhaustion, and the continual danger which lies in this accumulation of war material are transforming the armed peace of our days into a crushing burden which the peoples have more and more difficulty in bearing. It appears evident then, that if this state of affairs be prolonged it will inevitably lead to the very cataclysm which it is desired to avert, and the impending horrors of which are fearful to every human thought.

Among the many subjects discussed in the Second International Conference, let us remember the one suggested by the noted Brazilian jurist, Mr. José Higinio Duarte Pereyra, relating to the codification of public and private international law. It gave origin to the wise and erudite works continued later in that field and which will be continued in this conference that is now inaugurated. "Compulsory Arbitration" was also an interesting subject, several delegations with different points of view taking part in its debate, including Mexico, Argentina, and Perú.

The conference closed on the 31st of January, 1902, with an address by the Secretary of State of the Mexican Republic as profound as that at the opening.

The Third Conference took place at Rio de Janeiro, the beautiful capital of the United States of Brazil. It began its labors on the 23d of July, 1906, under the presidency of the Baron de Rio Branco, the eminent Minister of Foreign Affairs of that country. He referred in his speech, not only to the desire of peace for our nations, but in paragraphs of great eloquence he stated the solidarity which we ought to maintain with Europe.

Mr. Joaquin Nabuco y Araujo, an honor to our continent and a famous personage among the great statesmen of the world, was elected President.

Two nations of our hemisphere did not attend; but they were not forgotten by those present who expressed wishes for their welfare.

A notable event of this conference was the session of July 31. It met in honor of Mr. Elihu Root, Secretary of State of the North American Union. The American statesman spoke after the address of the President of the Conference. Rarely has a speech been delivered containing such a plethora of doctrines, of fundamental truths, and in so scholarly a style. A book could be written about each paragraph; each line contains a luminous idea.

The conference ended its labors on the 26th of August, with eloquent words from the Baron de Rio Branco.

The principal debates were on the subjects of the previous conferences, and, as is natural, the thorny problem of "Arbitration" was amply discussed. Regarding the results obtained, Mr. Nabuco, with sufficient reason, said that the principal purpose of these conferences, for a long time, ought to be to meet periodically until the ideals that inspire them and guide them are obtained. He added that it was necessary to allow time for the growth of a tree that was destined to live many centuries. The ideas of the great Brazilian are a precise synthesis of the slow advance of humanity towards its betterment, if this advance be measured by the ephemeral condition of the life of man.

Shortly after the Rio conference, the Second Peace Conference of the Hague took place on the 15th of June, 1907. In the instructions given to the American delegation by Secretary Root, he emphasized the importance of the reduction of armaments and the limitation of the use of force in the collection of debts. He also referred to the establishment and detailed organization of the "Permanent

Court" that ought to function in that city. The chairman of the First Committee, that of "Arbitration," was the eminent philanthropist and French statesman, Mr. Leon Bourgeois. A grateful humanity must remember him with imperishable appreciation.

The principle of compulsory arbitration was accepted only in abstract. The world was as yet far from being able to arrive at concrete resolutions regarding such a complex question, in spite of the fact that there were many who foresaw the rapid formation in the European sky of the formidable tempest of 1914.

The Fourth Conference had as its seat the City of Buenos Aires, the prosperous and progressive Capital of the Argentine Republic. Twenty nations attended and its opening session took place on the 12th of July, 1910, under the Presidency of Victoriano de la Plaza, Minister of Foreign Affairs. The following are words from his address:

> Fortunately all those frequent political conflicts which gave rise to such unfavorable opinions concerning the capacity of the Republics of Latin America for self-government and well ordered administration are passing away and the very nations which formerly entertained so doubtful an opinion, are now turning their eyes towards these new centers of production and wealth, whence there come so many and such varied resources for the maintenance of the industrial activity of the great manufacturing centers of the world, contributing to the cheapening and abundance of the means of subsistence.

Dr. Antonio Bermejo was elected president. These phrases are from his speech: "the states of the New World, as has been well observed, constitute a family composed of twenty-one sisters." And also these: "I understand that I am to preside over a diplomatic assembly in which each nation reserves to itself the benefit of its own vote because the decisions of the majority do not bind the minority. We have not come to discuss doctrines or make suppositions, but to leave on record the measures which public opinion in general recommends in order to assure the welfare of all."

One of the most interesting works of the conference, was that of the eleventh committee regarding "Pecuniary claims." A convention was drafted which was approved by the majority.

The resolutions regarding "Exchange of professors and students," which were adopted unanimously, had great moral significance. We must cite also the conventions regarding "Patents of invention" and "Trade-marks." Article 11 of the latter provided for the establishment of two bureaus, one at Habana and one at Rio de Janeiro. Cuba will never forget the honor accorded her. She immediately established hers, and its careful organization can be examined by the delegates.

The closing session took place on the 20th of August, 1910. Dr. Rodríguez Larreta made the address. In a burst of eloquence he asked the following question: "Why should not the nations of this continent be the heralds and movers of that wish which echoes everywhere, agitating the spirit of the popular masses in the great nations; the clamorous desire for universal peace?"

The fifth and last conference of those held had as its seat the cultured and exquisite city of Santiago, Capital of Chile, with the attendance of eighteen nations. The inaugural session took place on the 25th of March, 1923, and it offered the novelty of being opened by the President of the Republic, Mr. Arturo Alessandri. His address was sensational; the beauty of its form, magnificent; and profound its concepts. Referring to the efforts of America for the union among its component nations, he said:

> It is a biological law, applicable to all organisms, small or great, which in a silent but certain and unavoidable way urges them to direct their activities in search of the elements necessary for their conservation, growth and development.

> The efforts of America towards gaining the union, guarantee of security and aggrandizement, respond to that vital principle of conservation which is manifested in the tendency of all countries towards creating the fruitful relations of peace that will make them prosperous and invincible.

On the following day, Mr. Luis Izquierdo, Minister of Foreign Affairs, opened the conference. He warmly advocated the reduction of armaments "upon that just and practicable basis mentioned in the formula proposed by Mr. Hughes, the eminent statesman and peacemaker."

The learned Dr. Agustin E. Edwards, was elected president of the conference and the work in the committees immediately commenced. Among the principal ones we can mention the establishment of a "Juridical Committee" regarding the codification of international law.

The International Commission of Jurists, which met at Rio de Janeiro in April of last year, adopted projects that will be submitted to the Conference that opens to-day. Among them we find the project of "Private international law," drafted by that learned professor of our University, and judge of the Hague Court, Dr. Antonio Sánchez de Bustamante, to-day the President of the Cuban delegation.

Many other topics were discussed and to them the Minister of Foreign Affairs, Mr. Izquierdo, referred in his closing speech of May 3, 1923.

In one of its last sessions, as a result of the eloquence of Doctor Antonio Buero, the conference agreed to designate Habana as the seat of the Sixth Conference which we inaugurate on this occasion and in which I have the pleasure of expressing to the illustrious Uruguayan the appreciation of our country. I also wish to express the same sentiments to the eminent gentlemen, James Brown Scott and Leo S. Rowe, indefatigable propagandists on our continent of the Pan American concert.

The armed conflict in Europe, gentlemen, which so many had foreseen and feared, began between the Fourth and the Fifth Conferences. It was the greatest disaster of history; it surpassed all calculations. The earth has never before been soaked with so much human blood. There was no home left without tears, no family without mourning. The victims were counted by dozens of millions, and there is no city nor hamlet in the belligerent European nations, no matter how small, that does not show in memorial tablets or monuments immense lists of young men fallen in the struggle. The loss of young lives cannot be valued; it surpasses all estimates; nothing can compensate it. But immense also were the losses of capital, always significant for labor. Debts reached incalculable sums, fabulous amounts which would be sufficient to cover the world with railroad lines, roads and aqueducts, increasing the welfare and true happiness of the peoples. Even our peaceful America, isolated by two oceans, found itself carried by the whirlwind of the struggle. She sent overseas millions of her sons, not only to carry the elements of war, but also to take with them the formidable force of their ideals.

President Wilson's Fourteen Points will, in history, always be the bright stars that showed to the world the end of the storm, in that gloomy and apocalyptic night of the human conscience.

Perhaps some nations of the Old Continent may look with doubt upon these gatherings in the Western Hemisphere; but America does not seek progress for her exclusive use; she seeks it for the whole world. If we succeed in solving the problem before us, it is a fact that it would be an inestimable contribution towards arriving at the same result in Europe. We are cooperators, not rivals; for if America sacrificed thousands of her sons on the battlefields so that justice

might prevail, she can well lend the aid of her efforts, with the purpose of obtaining the victory of the same cause in the bloodless field of ideals and peaceful methods.

Delegates, you are about to begin your labors; the program of the Conference, drafted with the help of all minds, permits the hope for excellent results. Let us bear in mind that nothing stable can be founded on hate, ambition, or rivalry. You are going to work for the future more than for the present. If you succeed in taking a forward step; if the whole world, that beholds you, finds hope in our resolutions the book of immortality will be opened to you. You have faith and also perseverance: success must be with you.

In the name of Cuba, happy to have you as her guests, I greet you and express firm and fervent wishes for the prosperity and happiness of the twenty sister nations that you represent.

ADDRESS OF ALEJANDRO LIRA, CHAIRMAN OF THE CHILEAN DELEGATION

January 18, 1928

MR. SECRETARY OF STATE: It is a very high honor for the representative of the Republic of Chile to return to you, in the name of the delegations of America to the Sixth International Conference of American States the cordial greeting, so eloquently expressed through you by the Government and the people of Cuba, in welcoming and tendering to us the hospitality of this privileged country.

Indeed, the happy initiative of which your excellency has reminded us, taken by the brilliant orator and able diplomat of the Republic of Uruguay, Doctor Buero, when in the Fifth Conference he moved that Habana be chosen as the seat of this august assembly, deserves our warmest applause. Here, in the peaceful and pleasant atmosphere of this city, full of memories and beauties—which reveal to us in its buildings, fortress, and monuments, as well as in its gardens, parks, and avenues, the greatness of its past and the culture of its present—will pass, quiet and serene, the hours devoted by the representatives of the twenty-one Republics of the Western Hemisphere to the labor of fixing by agreements the condition of life, of progress and of justice which, taking a deeper root in the heart of the American peoples shall render them each day greater, more respected and more sovereign in the universal opinion of the nations.

How could we feel but encouraged to undertake our work in this blessed land with such a legendary history!

Cuba, the favorite daughter of Spain, could not, of necessity, achieve political liberty without excruciating sacrifices through interminable decades of bitter struggle. Her sisters were already free but she continued united to the motherland in spite of the overwhelming aspirations of her soul, which was born to live the life of freedom. It is but to be believed that Spain consoled herself on the premature emancipation of her other daughters, while she still displayed upon her crown the Pearl of the Antilles. But Cuba, her sisters being free, could not but be free herself. And thus we see that she never ceased in her aspirations for independence from the time that the first battle cry of freedom sounded in her ears.

The present and future generations shall always remember with respect and gratitude the names of Carlos Manuel de Céspedes, Francisco Vicente Aguilera, Ignacio Agramonte, Salvador Cisneros, and many others who during the ten years' war, fought with matchless fortitude and courage for the political emancipation of their country, thus forming a brilliant constellation of heroes, noble pride of America which renders tribute of her admiration.

It was not their lot to achieve the final victory; but the fire of patriotism spread throughout the island, its light reaching across the sea to illuminate the shores of neighboring countries.

The battle cry embodied in the Montecristo Manifesto dated at Santo Domingo, March 25, 1895, and launched throughout the world by Martí and Gomez, gave birth in all sections of the Island to expeditions as if descended from heaven or risen from the earth; and shortly afterwards Gomez and Maceo were able to traverse the entire territory with their triumphant hosts joining and separating once and again successively, as if the armies commanded by them were nothing but a fiery fan opening and closing at will over the heroic flaming Island.

The eyes of America and of the world were fastened on Cuba. From all parts of the Western Hemisphere came generous soldiers to form with their brothers the sublime community of sacrifice and glory. The governments of America displayed in various ways the sympathy that they intimately felt and while the closest ones provided some immediate aid in arms and war material, from the countries of the southern extremity of the hemisphere came voices of encouragement and brotherhood.

The *Maine* incident hastened the climax of the struggle. The United States of America embraced the cause of Cuban independence, and after the blood of her sons mingled on the battle fields with Cuban blood, the sun of peace shone with the signing of the treaty of Paris, August 13, 1898, and the independence of Cuba was achieved.

She, a free and sovereign nation, now receives into her bosom the delegations of the other twenty republics which, with her own delegation, convene in this beautiful city of Habana to deliberate on the destinies of the great American family, whose members are inspirited by identical sentiments of harmony, equality, and cooperation.

And it is pleasing to Pan Americanism to record that the Sixth International Conference of American States starts its sessions under the best of auspices; His Excellency General Gerardo Machado, Chief Magistrate of this Republic and the illustrious President of the United States, His Excellency Calvin Coolidge, have been good enough to lend special luster to the occasion by their presence at the solemn opening session.

Its program is a vast one. Juridical, social, economic, and sanitary problems as well as problems of intellectual cooperation, of transportation and communication and, in general, the most varied topics of international justice and advantage in America, will be dwelt upon.

But, however ample this program may be, the high culture of the delegates, who are an honor to their countries; the deep feelings for peace, fraternity, and solidarity among the sister republics; the nature of the questions that will be debated in this solemn gathering; the harmony of the reciprocal interests of the American nations; and the expectancy of the world, whose eyes are to-day fastened upon Habana, will render easy the task of finding the desired and happy solution of the many questions entrusted to this assembly, from which the Western Hemisphere hopes so much.

Many have been the fruits already yielded by Pan Americanism, thanks to these international conferences, to which, with ample reason, so great an importance has been attributed by the most illustrious scholars of America; although, to this day historians have not been able to agree which of the fathers of American independence first conceived the idea of calling a congress of plenipotentiaries of the new states to deliberate upon their mutual interests.

These conferences not only bring together eminent personalities of the sister republics, thus strengthening inter-American moral and economic bonds, but also have permitted the advantageous decision of various juridical and social problems, and have placed others on the way to solution in the near future; for each conference leaves a rich seed for the next, as each watering deposits in the furrow some germ of life which is to lend new and vigorous impulse to the growth of the soil.

Take at random whatever theme that has been debated at any International American Conference. It will be seen that, if a solution has not been reached, the progress toward that goal has been considerable, as His Excellency the Secretary of State made clear in his masterly address, where he recalled some of the most interesting subjects which have been broached at one or more conferences.

And what shall we say of the extensions and effects that these conferences have had both within and beyond America?

The Washington conference, held ten years before the first Peace Conference at The Hague, and the Mexico and Rio de Janeiro conferences held also prior to the Second Peace Conference, shed upon both of these conferences the vivid rays of harmony, of justice, and of solidarity among all the nations of the world. And when, after the horrible catastrophe had sent its waves of death and sorrow over Europe, mother of human culture, the highest personalities of the civilized world gathered at Geneva, to seek a remedy for all the ills that had brought mankind to the very edge of total annihilation; when Europe was subjected to such a harsh test, the Pan-American conferences contributed to those deliberations the enormous accumulation of truth, of prudence, of peace, and justice that had grown out of their international debates and agreements.

It is fitting to recall that on more than one occasion the eminent European statesmen gathered at Geneva, modified or revoked agreements already solemnly entered into, in order to conform in their decision to the experience harvested in America by the inter-American conferences. But, if we recall these feats it is not because we are vainglorious of what has been accomplished in Europe through the efforts of Pan-Americanism; for, as was said with such profound truth and wisdom by His Excellency the President of the Republic, General Machado, in his address to the inaugural session of this Conference: "Pan-Americanism is a constructive effort that does not presuppose antagonisms; but, on the contrary, cooperates toward universal peace, better understanding between all peoples, and the spiritual and moral unity of the nations of the world."

Within this hemisphere, the International American Conferences have favored or agreed upon the gathering of technical and scientific congresses, to elucidate the most diverse matters affecting the general interest of the world, and the particular benefit of America. The economic and financial conferences deserve special mention. They have given consideration to statistics on communications, standardization, banking problems, commercial aviation, and, in general, to mercantile questions in this hemisphere. Also the conferences on sanitation which have considered various subjects of public health, having already prepared a Pan-American maritime sanitary code, and having now under consideration a general sanitary code. Recently, conferences on eugenics and child welfare have been held in this city. Five child-welfare congresses have already taken place at different American capitals. Several scientific congresses have thrown light on interesting problems covering the whole span of human knowledge, and the juridical congresses of Habana, Montevideo, and Rio de Janeiro have performed a task that America views with gratitude.

Thus, the International American Conferences have been widening their sphere of action and reaching deeper every day into the study and solution of the problems that beset and interest mankind.

There is no doubt that the present conference has the widest and most important agenda submitted up to this time to the consideration of similar assemblies. Suffice it to refer to that part of the agenda relating to international law, which has always been studied in America with the interest and affection that the wise teacher of several generations, the illustrious Bello, instilled into the youthful mind of this strong and healthy race.

The Commission of Jurists, which gathered lately at Rio de Janeiro, has prepared several drafts of conventions concerning the deepest and most transcendental matters on public international law, which will be considered by this Conference. It will also consider the codification of private international law approved by the said commission, the work of the eminent Cuban jurist, Dr.

Antonio Sánchez de Bustamante, a glory to his country which also makes all sons of America proud, for we know how to render homage to intelligence, virtue, and scholarship.

Together with these matters of international law others so interesting as the organization of the Pan American Union and measures tending to encourage and develop cultural and economic relationships between the peoples of this hemisphere, are entrusted to the study of the delegations of America, within this university, which is the alma mater of the intellectual and moral culture of Cuba.

We may rest assured that all of these problems, simple or complex, shall be solved with equanimity of mind for the good of mankind, the peace of this hemisphere, the harmony of American interests and the rule of justice over the world of Columbus. This goal we shall attain by following the path lighted for us by the lone star of the Cuban tricolor.

ADDRESS OF ANTONIO SÁNCHEZ DE BUSTAMANTE, PERMANENT PRESIDENT OF THE CONFERENCE

January 18, 1928

Delegates from All the Americas; Ladies and Gentlemen: Profoundly grateful for my election to the office of President, which any one of you could have filled more appropriately and meritoriously than I, an office in which I propose to act towards all of you as a friend and brother, I desire to devote my first words to offering you a testimonial of my gratitude for this highest honor, which I owe to your kindness. Thinking only of me, I would have declined it as undeserved, but I accepted it, nevertheless, as a tribute of the Conference to my beloved Cuba which already has more than one lasting tie of affection with all this part of the world.

We were not yet a recognized and sovereign nation, when the Second Conference, assembled in the neighboring and beautiful Capital of Mexico, voted unanimously and by acclamation an affectionate greeting to our nascent Republic. It is for me a source of extraordinary satisfaction to express before you our appreciation of that kind distinction from the very soil of the state, then about to arise, and which last year, amid peace and security and under an admirably organized régime, celebrated the first jubilee of its independent official life.

And in Santiago de Chile, the beautiful city of the Southern Hemisphere, the Fifth Conference in its turn and after an eloquent address by the eminent Mr. Buero, delegate from Uruguay, approved by unanimous vote the proposal in pursuance of which we are now assembled in Habana and which gave occasion to warm and brilliant words of acknowledgement, spoken by our illustrious Doctor Arístides Agüero, who expressing the sentiments of the Cuban soul, transmitted to all America our deep gratitude, thus voicing faithfully the sentiments of Cuba.

Here in Cuba we feel proud of your presence and we shall always cherish as one of our greatest joys our having had as guests, and represented by most prominent men, all the republics of America.

There is assembled here to-day, without exception, the whole of the independent territory of the Western Hemisphere, and it seems appropriate that we should ask ourselves what our common action signifies and involves. There is a series of factors which in life and human history have a decisive influence in creating groups and interests that are bound together. Without anyone's having sought it in a systematic or selfish way, there is an Asiatic world, a European world and an American world with a full force of historical realities and all the hopes of a pleasing future.

During the middle of the eighteenth century, in 1748, when America was only a shapeless mass of almost unknown colonies, there was published in Europe a famous book, *The Spirit of the Laws*, by Baron Montesquieu. In two of its chapters the marvelous intuition of its author caused him to state that America, in its parts and in its whole was, from the standpoint of its internal life and by reason of a series of circumstances, in need of special rules of law. The first basis for this continental differentiation is perhaps to be found in geography. Asia, partly separated from Europe by mountains which during long centuries made it inaccessible, was the cradle of civilized mankind, and in her great conquering and theocratic empires was contained almost all of the history of the an-

cient world, until supplanted in European territory by the wonderful culture of Greece and the dominating juridical spirit of the Roman Republic and Empire. With her flourished, in those early stages of historical life, some nuclei of African forces in another great geographical division, joined to the Asiatic continent by an isthmus, in which the daring spirit of the nineteenth century traced its first change in the surface of our planet—the Suez Canal. Although the three continents are bound together by the Mediterranean Sea, geography made them independent and has conserved them in all respects, throughout the years, separate and also independent in their history.

The American Continent rose to what is known as western civilization, then ancient times and the middle ages had passed, and with its discovery it ushered in the new and wonderful modern age. It is necessary perhaps to revise those classical divisions of history, because in history the middle ages constituted the colonial period, modern times beginning at the end of the eighteenth century and continuing through the nineteenth, to develop into the splendid and incomparable twentieth century.

Geography consolidated the unity of our continent and its relative isolation. It is the only one which nature has deprived of land communication with the rest of the world, and the sea that surrounds it, so large that it cannot be called Mediterranean, narrows only in its habitable and less accessible portion. It is also the only continent which, containing all climates, touches at each end the poles of the earth. It always found in its geographical isolation a basis for its historical, political, and moral unity. Through centuries it maintained itself throughout its territory in subjection to several colonial powers, from which it won emancipation almost at the same time and in a similar manner, adopting identical or analogous forms of government with like economic needs from north to south and with the same problems to solve. It also has fixed its eyes, more or less readily, upon similar horizons leading to roads of a common and ever brilliant future.

Conscious of its rights, since 1826 it has resolved, on the wonderful impulse of Bolivar, to congregate in great assemblies wherein its means of action and its legal rules of conduct may be discussed and agreed upon—means and rules which, avoiding the insecurity of right in future disputes, may abolish with it all possible assaults upon justice and equality.

It is necessary that man should not separate what nature and necessity have united. The written law, the work of a common will and by common will acknowledged and maintained, is the strongest bond of moral unity which is needed by the international American community for its existence and development.

There is nothing incompatible between these great assemblies of sovereign peoples and the sentiment and necessities of each nation. Man is a complex being, who can and must create an organ for each need, making all such organs harmonious. He has need of personal happiness and of enjoying the sweetest perfume of life, realized in the home and in the family. He must project himself into all the spheres of activity and build, with the aggregate of families, the city—at once an attraction, a protection and a security for all. Out of groups of cities and towns, and for reasons of welfare and of geography, which continuously reappear in human destiny, he creates a region, a state, a department, or a province, and with several provinces, departments, states, or regions, he creates and consolidates the nation. Each one of these achievements is the concentration and the result of one of his cherished aspirations, as between which there are no jealousies and which though dissimilar by nature, coincide and cooperate with each other, making of him the sovereign of creation, a title which he deserves, not because he knows how to fight, but because he knows how to love. He shall

retain this title only if, continuing on this road, he groups the nations in that part of the world in which he lives, into such institutional forms as shall satisfy his collective needs and which, assuring to every nation the full satisfaction of her requirements and the integral and sovereign exercise of all her rights, he may uncover a new and triumphant phase of his destinies and a new and wonderful creature of his will, of his heart, and of his intelligence.

Do not fear that this may endanger or destroy the nations which are to act as a stimulus and support of these new organizations. In such a life, as in architectural structures, each factor aids and protects the others. A superficial observer, standing before any building, would think that the roof owes everything to the columns supporting it, but the architect knows that the winds do not shake or destroy the columns, because the roof resting over them fastens them together, keeping them immovable at the same time that it protects them. So also, in international relations, each new moral tie, standing erect, is a fresh defense in the series of encouragements for freedom and right which human intelligence needs and produces.

As a fruitful achievement for the satisfaction of all legitimate interests, each bond that arises in the progressive march of solidarity among men and peoples stimulates other bonds, for these continental agreements do not impede the thought of the sacred ties of race or of other universal unions, thus converting into historical reality the phrase which centuries ago contributed to the immortality of a great Latin poet: "I am a man and nothing human can be indifferent to me."

Each individual, as also each nation, has in reserve two enormous forces which have moved humanity from the beginning of its existence—love and hate. The latter is a destructive power whose gravest manifestations are, in domestic communities, crime; and in international societies, war. The other is a constructive force, less visible but sweeter, more lasting though less blatant. With love, everything that is great on this earth, has been obtained and, defeating hate, it heals the world's wounds and everywhere spreads good and happiness.

To the end that we, the states of America, may love each other, the great factors of progress in human relations, which have been intensified during the last century and whose force of attraction must necessarily be greater among the several nations situated in the same part of the world, unquestionably cooperate. The sea ceased to hamper community life when steamboats, some of them gigantic, safely defied the elements and incredibly shortened distances; and when the submarine cables permitted the inhabitants of distant places to establish almost instant communication. The mountains surrendered to man who pierced them by tunnels, and who utilized first the railroads and then the automobile (poetically called by some one the emancipated locomotive), to speed his travels from one place to another and to turn the remote into the near, and the distant into the neighboring. The air, from which only lightning and storm had heretofore quickly come to us, is now crossed by wonderful means of transportation carrying from one point to another, with affectionate devotion, human fraternity, and also permitting that there should be hurled through space the human language, which is the music of thought, and music, which is the language of sensibility.

And man, who is born in these days a cosmopolitan being, resorts to all nations of the world for his needs, beginning with those of a purely material character, as the clothing which he wears and the food which he consumes; to those of an intellectual character, such as the words with which he expresses himself and the ideas on which he is spiritually nurtured. He must connect himself with his fellow beings, particularly those who are nearer and have greater ties with him.

It is for this reason that our program, prepared with the approval of the diplomatic representatives of the entire American World, treats of problems of communication to be facilitated by air, on the highways, on the railroads, on the

rivers and the seas; of social problems such as land and maritime health, child welfare and eugenics; of benevolent activities, such as the Red Cross; of literary and artistic property; of intellectual cooperation in its various forms and activities; and above all, completing it and making it possible and facile, of the rules that are to be applied to persons, property, inheritance, contracts, commercial activities, criminal responsibility, and legal procedure among the citizens of the Americas, so as to render their mutual lives useful and pleasant; and of the principles of love to which the nations themselves should adjust their external conduct, so that they may not err when invoking or appealing to such rules, and that their living together may be for each and every one of these nations, noble and just, pleasant and free, peaceful, fruitful, and sovereign.

When the projects which we now cherish shall have been realized and when every one shall appreciate their importance, while observing them in triumphant march, the Pan American Conferences, repeated from nation to nation throughout the entire continent may well boast of having been one of the most important and powerful factors in this certain and indestructible victory of America. Let us all contribute our grain of sand to this work of giants. Let us all work united and confident, with the faith and hope of success so that all America may be for a long time one of the guides and colossi of the world maintained by the fraternal love and imperishable union of her sons for the good of our planet, at the summit of the glory and progress of mankind.

The illustrious men who, since 1889, in the conference at Washington, until 1923 in that at Santiago de Chile, have intensively labored for this splendid objective, are now legion. Many of them, fortunately, still live and will continue to help us in the work under way; but others have paid their tribute to death and the Pan American Conferences have established the noble and tender custom of rendering homage at each session to those who have departed this life since the last conference. Among such men I remember now Messrs. Willard Saulsbury, of the United States of America; Estanislao Zeballos, of the Argentine Republic; Gastão da Cunha, of Brazil; Manuel Gondra, of Paraguay; Manuel Diaz Rodriguez, of Venezuela; and José Vidal Caro, of Cuba.

Their names will remain in our records as in a commemorative tablet and their memories will endure in our spirit as a testimonial of respect and of love. This solidarity of the whole American Continent in its respect of its illustrious dead, is a confirmation of our past and future unity, never as firm as when revealing itself amidst sorrow and remembrance. Let us continue to love all that unites us and we shall have impeded, and perhaps suppressed for the future everything that may divide and separate us.

APPENDIX 4

OFFICIALS AND DELEGATES OF THE SIXTH INTERNATIONAL CONFERENCE OF AMERICAN STATES

Temporary President of the Conference: Rafael Martínez Ortiz, Secretary of State of the Republic of Cuba.

President of the Conference: Antonio Sánchez de Bustamante, chairman of the delegation of Cuba.

Vice Presidents: Jesús Melquiades Salazar (Perú); J. Varela (Uruguay); Ricardo J. Alfaro (Panamá); Gonzalo Zaldumbide (Ecuador); Julio García (Mexico); J. Gustavo Guerrero (Salvador); Carlos Salazar (Guatemala); Carlos Cuadra Pazos (Nicaragua); José Antezana (Bolivia); Santiago Key Ayala (Venezuela); Enrique Olaya Herrera (Colombia); Fausto Dávila (Honduras); Ricardo Castro Beeche (Costa Rica); Alejandro Lira (Chile); Raúl Fernandes (Brazil); Honorio Pueyrredón (Argentina, resigned and succeeded by Laurentino Olascoaga); Lisandro Díaz León (Paraguay); Fernando Dennis (Haiti); Francisco J. Peynado (Dominican Republic); Charles E. Hughes (United States of America).

Secretary General: Néstor Carbonell, delegate of Cuba.

Assistant Secretaries: Ramiro Hernández Portela; Miguel Angel Carbonell; José Antonio Ramos; Julio Hernández Miyares; Guillermo Martínez Márquez.

Secretaries of the Committees: José T. Barón; Vicente Valdés Rodríguez; Gonzalo Guell; Enrique Fernández de Velazco; Emeterio S. Santovenia; José Zarranz Sánchez; Herminio Rodríguez; Enrique Gay Calbó.

Directors: Augusto Merchán (director of archives and documentation); Luis Marino Pérez (director of general arrangements); Alberto Lamar Schweyer.

DELEGATIONS

ARGENTINA

Delegates:

Honorio Pueyrredón, *Chairman* (resigned)
Laurentino Olascoaga
Felipe A. Espil

Technical Advisers:

Luis A. Podestá Costa
Carlos A. Alcorta

Secretary:

Rodolfo García Arias

Attachés:

Juan Carlos Queirolo
Adolfo T. Cosentino

BOLIVIA

Delegates:

José Antezana, *Chairman*
Adolfo Costa Du Rels

Advisers:

Gabriel Gosálvez
Javier Paz Campero

BOLIVIA—Continued

Attaché:

Mariano Antezana

BRAZIL

Delegates:

Raúl Fernandes, *Chairman*
Lindolfo Collor
Alarico da Silveira
Sampaio Correa
Eduardo Espínola

Secretary General:

Belisario Soares de Souza

Technical Advisers:

Hildebrando Accioly
Afranio do Amaral

Secretaries:

Oswaldo Correia
João Carlos Muniz
Octavio Brito

Attachés:

Calmon Costa
Miss Sylva Carneiro Leao

Chile

Delegates:

Alejandro Lira, *Chairman*
Alejandro Alvarez
Carlos Silva Vildosola
Manuel Bianchi

Technical Advisers

General Pedro Charpin
Admiral José Toribio Merino

Secretaries:

Jorge Silva Yoacham
Germán Vergara
Alejandro Lira, jr.

Assistant Secretary:

Ignacio Lira

Colombia

Delegates:

Enrique Olaya Herrera, *Chairman*
Jesús M. Yepes
Roberto Urdaneta Arbeláez
Ricardo Gutiérrez Lee

Secretaries:

Hernando Uribe Cualla
Ricardo Gutiérrez Lee y Rivero

Costa Rica

Delegates:

Ricardo Castro Beeche, *Chairman*
J. Rafael Oreamuno
Arturo Tinoco

Secretary:

Manuel de la Guardia

Attaché:

Julio Fernández

Cuba

Delegates:

Antonio Sánchez de Bustamante, *Chairman*
Orestes Ferrara
Enrique Hernández Cartaya
José Manuel Cortina
Arístides de Agüero
José B. Alemán
Manuel Márquez Sterling
Fernando Ortiz
Néstor Carbonell
Jesús María Barraqué

Cuba—Continued

Technical Delegates:

César Salaya
José Manuel Carbonell
Ruy de Lugo Viña
Gustavo Gutiérrez

Technical Advisers:

Julio Morales Coello
Domingo Ramos
Ismael Clark
Luis Marino Pérez
Federico Torralbas
Aurelio Portuondo

Secretaries:

Gabriel Suárez Solar
Pedro Martínez Fraga
Carlos Blanco

Assigned from the Department of State:

José A. Barnet
Gen. Rafael Montalvo
Juan de Dios Romero

Assistant Secretaries:

José L. Gómez Garriga
Luis Santamaría y Calvo
Alberto Lamar Schweyer
José M. Vázquez Bello
Capt. Jesús A. Jiménez
Lieut. Mario Montoro Saladrigas
Oscar René Morales
Emilio Casas Albadalejo
Carlos A. Castellanos
Pedro G. de Medina
Antonio S. de Bustamante y Montoro
Regino Truffin
Francisco Pérez de la Riva
Manuel Zaldívar

Dominican Republic

Delegates:

Francisco J. Peynado, *Chairman*
Gustavo A. Díaz
Elías Brache
Angel Morales
Tulio M. Cestero
Ricardo Pérez Alfonseca
Jacinto R. de Castro
Federico C. Alvarez

Secretary:

Telesforo R. Calderón

ECUADOR

Delegates:

Gonzalo Zaldumbide, *Chairman*
Víctor Zevallos
Colón Eloy Alfaro

GUATEMALA

Delegates:

Carlos Salazar, *Chairman*
Bernardo Alvarado Tello
Luis Beltranena
José Azurdia

Secretary:

José Antonio Palomo

HAITI

Delegates:

Fernando Dennis, *Chairman*
Charles Riboul

HONDURAS

Delegates:

Fausto Dávila, *Chairman*
Mariano Vázquez

MEXICO

Delegates:

Julio García, *Chairman*
Fernando González Roa
Salvador Urbina
Aquiles Elorduy

Secretary General:

Antonio Castro Leal

Assistant Secretary:

Roberto Córdoba

Technical Advisers:

Miguel Hernández Jáuregui
Juan de la Cruz García
Luis Sánchez Pontón
Luis G. Aragón
Pedro C. Sánchez
Marte R. Gómez
León Salinas
Manuel de la Peña
Vicente Lombardo Toledano
Manuel A. Chávez
José E. Coeto
Reynaldo Cervantes Torres
Enrique Jiménez Domínguez
Leopoldo Kiel

MEXICO—Continued

Technical Advisers—Continued.

Enrique Monterrubio
Juan Villarello
Francisco de P. Miranda

Assistant Secretaries:

Leopoldo Alvarado
Armando Melgar
Andrés Fenochio
Armando Salinas
Carlos Salazar y Pacheco

NICARAGUA

Delegates:

Carlos Cuadra Pazos, *Chairman*
Joaquín Gómez
Máximo H. Zepeda

Secretaries:

Horacio Arguello Bolaños
César Gutiérrez
Rafael de Egaña O'Lawlor

PANAMÁ

Delegates:

Ricardo J. Alfaro, *Chairman*
Eduardo Chiari

Secretary:

José Guillermo Batalla

PARAGUAY

Delegate:

Lisandro Díaz León, *Chairman*

Adviser:

Juan Vicente Ramírez

PERÚ

Delegates:

Jesús Melquiades Salazar, *Chairman*
Víctor M. Maúrtua
Enrique Castro Oyanguren
Luis Ernesto Denegri

SALVADOR

Delegates:

Gustavo Guerrero, *Chairman*
Héctor David Castro
Eduardo Alvarez

Secretary:

Jacinto Castellanos Rivas

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Noble Brandon Judah
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Oscar W. Underwood
Dwight W. Morrow
Morgan J. O'Brien
James Brown Scott
Ray Lyman Wilbur
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Matthew E. Hanna
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Copley Amory, jr.
Harold L. Williamson

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Thomas E. Robertson
Leo John Keena
Chester Lloyd Jones
Grosvenor M. Jones
John D. Long
Frederick Todd
Miguel A. Muñoz
Richard K. Kenna

Press Representative:

Henry K. Norton

UNITED STATES OF AMERICA—Con.

Special Assistants:

Miss Margaret M. Hanna
Roger S. Drissel
Joaquin Servera
Alonso S. Perales

Interpreter and Translator:

Leobardo L. González

URUGUAY

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J. Varela Acevedo, *Chairman*
Juan José Amézaga
Leonel Aguirre
Pedro Erasmo Callorda

Secretary:

Roberto MacEachen

Attachés:

Julio Bernardino Pons
Alberto Serrato

VENEZUELA

Delegates:

Santiago Key Ayala, *Chairman*
Francisco Gerardo Yanes
Rafael Angel Arraiz

Secretaries:

Alberto Adriani
Julio A. Michelena
José A. Olavarría Matos
Alfredo Olavarría

APPENDIX 5

COMMITTEES OF THE SIXTH INTERNATIONAL CONFERENCE OF AMERICAN STATES

Committee on Initiatives

Antonio Sánchez de Bustamente (President of the Conference), *Chairman*
Jesús Melquiades Salazar, of Perú
J. Varela, of Uruguay
Ricardo J. Alfaro, of Panamá
Gonzalo Zaldumbide, of Ecuador
Julio García, of Mexico
J. Gustavo Guerrero, of Salvador
Carlos Salazar, of Guatemala
Carlos Cuadra Pazos, of Nicaragua
José Antezana, of Bolivia
Santiago Key Ayala, of Venezuela
Enrique Olaya Herrera, of Colombia
Fausto Dávila, of Honduras
Ricardo Castro Beeche, of Costa Rica
Alejandro Lira, of Chile
Raúl Fernandes, of Brazil
Honorio Pueyrredón, of Argentina; resigned and succeeded by Laurentino Olascoaga
Lisandro Díaz León, of Paraguay
Fernando Dennis, of Haiti
Francisco J. Peynado, of the Dominican Republic
Charles E. Hughes, of the United States of America

Committee on Credentials

Raúl Fernandes, of Brazil
Juan José Amézaga, of Uruguay
Santiago Key Ayala, of Venezuela

First Committee: Pan American Union

Enrique Olaya Herrera, of Colombia, *Chairman*
Lisandro Díaz León, of Paraguay, *Vice Chairman*
Jesús Salazar, of Perú
J. Varela, of Uruguay
Eduardo Chiari, of Panamá
Gonzalo Zaldumbide, of Ecuador
Salvador Urbina, of Mexico
J. Gustavo Guerrero, of Salvador
Héctor David Castro, of Salvador
Luis Beltranena, of Guatemala
Carlos Cuadra Pazos, of Nicaragua
José Antezana, of Bolivia

Francisco G. Yanes, of Venezuela
Santiago Key Ayala, of Venezuela
Roberto Urdaneta Arbeláez, of Colombia
Fausto Dávila, of Honduras
Rafael Oreamuno, of Costa Rica
Alejandro Lira, of Chile
Alarico da Silveira, of Brazil
Honorio Pueyrredón, of Argentina
Felipe A. Espil, of Argentina
Luis A. Podestá Costa, of Argentina
Fernando Dennis, of Haiti
Angel Morales, of the Dominican Republic
Federico C. Alvarez, of the Dominican Republic
Charles E. Hughes, of the United States of America
Henry P. Fletcher, of the United States of America
Leo S. Rowe, of the United States of America
Enrique Hernández Cartaya, of Cuba
J. Manuel Carbonell, of Cuba

SECOND COMMITTEE: PUBLIC INTERNATIONAL LAW

J. Gustavo Guerrero, of Salvador, *Chairman*
Raúl Fernándes, of Brazil, *Vice Chairman*
Víctor Maúrtua, of Perú
J. Varela, of Uruguay
Juan José Amézaga, of Uruguay
Ricardo J. Alfaro, of Panamá
Gonzalo Zaldumbide, of Ecuador
Fernando González, of Ecuador
Fernando González Roa, of Mexico
Aquiles Elorduy, of Mexico
Luis Sánchez Pontón, of Mexico
Héctor David Castro, of Salvador
Carlos Salazar, of Guatemala
Carlos Cuadra Pazos, of Nicaragua
Adolfo Costa Du Rels, of Bolivia
Santiago Key Ayala, of Venezuela
Francisco G. Yanes, of Venezuela
Jesús M. Yepes, of Colombia
Roberto Urdaneta Arbeláez, of Colombia
Mariano Vázquez, of Honduras
Ricardo Castro Beeche, of Costa Rica
Alejandro Lira, of Chile
Alejandro Alvarez, of Chile
Hildebrando Accioly, of Brazil
Honorio Pueyrredón, of Argentina
Laurentino Olascoaga, of Argentina
Luis A. Podesta Costa, of Argentina
Lisandro Díaz León, of Paraguay
Fernando Dennis, of Haiti
Gustavo A. Díaz, of the Dominican Republic
Jacinto R. de Castro, of the Dominican Republic
Charles E. Hughes, of the United States of America
Henry P. Fletcher, of the United States of America
Oscar W. Underwood, of the United States of America

James Brown Scott, of the United States of America
Orestes Ferrara, of Cuba
Gustavo Gutiérrez, of Cuba

THIRD COMMITTEE: PRIVATE INTERNATIONAL LAW

Víctor Maúrtua, of Perú, *Chairman*
James Brown Scott, of the United States of America, *Vice Chairman*
Luis Denegri, of Perú
Leonel Aguirre, of Uruguay
Eduardo Chiari, of Panamá
Gonzalo Zaldumbide, of Ecuador
Julio García, of Mexico
Miguel Hernández Jáuregui, of Mexico
Juan de la Cruz García, of Mexico
Pedro C. Sánchez, of Mexico
Marte R. Gómez, of Mexico
Manuel de la Peña, of Mexico
Juan Villarello, of Mexico
José R. Coeto, of Mexico
Reynaldo Cervantes Torres, of Mexico
Vicente Lombardo Toledano, of Mexico
Manuel A. Chávez, of Mexico
Héctor David Castro, of Salvador
Eduardo Alvarez, of Salvador
Carlos Salazar, of Guatemala
Máximo H. Zepeda, of Nicaragua
José Antezana, of Bolivia
Francisco G. Yanes, of Venezuela
Santiago Key Ayala, of Venezuela
Roberto Urdaneta Arbeláez, of Colombia
Jesús M. Yepes, of Colombia
Mariano Vázquez, of Honduras
Ricardo Castro Beeche, of Costa Rica
Alejandro Alvarez, of Chile
Eduardo Espínola, of Brazil
Honorio Pueyrredón, of Argentina.
Felipe A. Espil, of Argentina
Carlos Alberto Alcorta, of Argentina
Lisandro Díaz León, of Paraguay
Fernando Dennis, of Haiti
Jacinto R. de Castro, of the Dominican Republic
Gustavo A. Díaz, of the Dominican Republic
Morgan J. O'Brien, of the United States of America
Antonio S. de Bustamante, of Cuba
César Salaya, of Cuba

FOURTH COMMITTEE: COMMUNICATIONS

Sampaio Correa, of Brazil, *Chairman*
Tulio M. Cestero, of the Dominican Republic, *Vice Chairman*
Carlos Salazar, of Perú
Luis Denegri, of Perú
Pedro Erasmo Callorda, of Uruguay
Ricardo J. Alfaro, of Panamá

Víctor Zevallos, of Ecuador
Colón Eloy Alfaro, of Ecuador
Aquiles Elorduy, of Mexico
León Salinas, of Mexico
Eduardo Alvarez, of Salvador
Héctor David Castro, of Salvador
Bernardo Alvarado Tello, of Guatemala
Joaquín Gómez, of Nicaragua
José Antezana, of Bolivia
Santiago Key Ayala, of Venezuela
Francisco Gerardo Yanes, of Venezuela
Enrique Olaya Herrera, of Colombia
Ricardo Gutiérrez Lee, of Colombia
Fausto Dávila, of Honduras
Arturo Tinoco, of Costa Rica
Carlos Silva Vildósola, of Chile
Felipe A. Espil, of Argentina
Carlos Alberto Alcorta, of Argentina
Rodolfo García Arias, of Argentina
Juan Vicente Ramírez, of Paraguay
Fernando Dennis, of Haiti
Elías Brache, of the Dominican Republi
Oscar W. Underwood, of the United States o f America
Henry P. Fletcher, of the United States of America
José B. Alemán, of Cuba
Julio Morales Coello, of Cuba
José Manuel Carbonell, of Cuba

Fifth Committee: Intellectual Cooperation

Gonzalo Zaldumbide, of Ecuador, *Chairman*
Ricardo J. Alfaro, of Panamá, *Vice Chairman*
Enrique Castro Oyanguren, of Perú
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Santiago Key Ayala, of Venezuela
Ricardo Gutiérrez Lee, of Colombia
Jesús M. Yepes, of Colombia

Roberto Urdaneta Arbeláez, of Colombia
Mariano Vázquez, of Honduras
Rafael Oreamuno, of Costa Rica
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Elías Brache, of the Dominican Republic
Ricardo Pérez Alfonseca, of the Dominican Republic
Ray Lyman Wilbur, of the United States of America
Leo S. Rowe, of the United States of America
Fernando Ortiz, of Cuba
Manuel Márquez Sterling, of Cuba
Federico Torralbas, of Cuba
Ismael Clark, of Cuba
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Fernando Dennis, of Haiti
Federico C. Alvarez, of the Dominican Republic
Angel Morales, of the Dominican Republic
Dwight W. Morrow, of the United States of America
Noble Brandon Judah, of the United States of America
Henry P. Fletcher, of the United States of America
Morgan J. O'Brien, of the United States of America
José Manuel Cortina, of Cuba
Aurelio Portuondo, of Cuba
Luis Marino Pérez, of Cuba
Enrique Hernández Cartaya, of Cuba

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Rafael Angel Arraiz, of Venezuela, *Vice Chairman*
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Leonel Aguirre, of Uruguay
Eduardo Chiari, of Panamá
Victor Zevallos, of Ecuador
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Eduardo Alvarez, of Salvador
José Azurdia, of Guatemala
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José Antezana, of Bolivia
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Arturo Tinoco, of Costa Rica
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Fernando Dennis, of Haiti
Elías Brache, of the Dominican Republic
Ricardo Pérez Alfonseca, of the Dominican Republic
James Brown Scott, of the United States of America
Ray Lyman Wilbur, of the United States of America
Domingo Ramos, of Cuba
Federico Torralbas, of Cuba

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Santiago Key Ayala, of Venezuela, *Vice Chairman*
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J. Varela, of Uruguay

Eduardo Chiari, of Panamá
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Eduardo Alvarez, of Salvador
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Fernando Dennis, of Haiti
Charles Riboul, of Haiti
Tulio M. Cestero, of the Dominican Republic
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Dwight W. Morrow, of the United States of America
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Julio Morales Coello, of Cuba
Federico Torralbas, of Cuba
Ruy de Lugo Viña, of Cuba

APÉNDICE 6

CONVENCIÓN

[DERECHO INTERNACIONAL PRIVADO]

Los Presidentes de las Repúblicas de Perú, de Uruguay, de Panamá, de Ecuador, de México, de El Salvador, de Guatemala, de Nicaragua, de Bolivia, de Venezuela, de Colombia, de Honduras, de Costa Rica, de Chile, de Brasil, de Argentina, de Paraguay, de Haití, de República Dominicana, de Estados Unidos de América y de Cuba.

Deseando que sus países respectivos estuvieran representados en la Sexta Conferencia Internacional Americana, enviaron a ella, debidamente autorizados para aprobar las recomendaciones, resoluciones, convenios y tratados que juzgaren útiles a los intereses de América, los siguientes señores delegados:

[Los nombres de los delegados siguen.]

Los cuales, después de haberse comunicado sus plenos poderes y hallándolos en buena y debida forma, han convenido lo siguiente:

ARTÍCULO 1

Las repúblicas contratantes aceptan y ponen en vigor el código de derecho internacional privado anexo al presente convenio.

ARTÍCULO 2

Las disposiciones de este código no serán aplicables sino entre las repúblicas contratantes y entre los demás estados que se adhieran a él en la forma que más adelante se consigna.

ARTÍCULO 3.

Cada una de las repúblicas contratantes, al ratificar el presente convenio, podrá declarar que se reserva la aceptación de uno o varios artículos del código anexo y no la obligarán las disposiciones a que la reserva se refiera.

APPENDIX 6

CONVENTION

[PRIVATE INTERNATIONAL LAW]

The Presidents of the Republics of Perú, Uruguay, Panamá, Ecuador, Mexico, Salvador, Guatemala, Nicaragua, Bolivia, Venezuela, Colombia, Honduras, Costa Rica, Chile, Brazil, Argentina, Paraguay, Haiti, Dominican Republic, United States of America and Cuba.

Desirous that their respective countries should be represented at the Sixth International Conference of American States, have sent to it, duly authorized to approve the recommendations, resolutions, conventions, and treaties which they may deem useful to the interests of America, the following delegates:

[Here follow the names of the delegates.]

Who, after having communicated to each other their full powers and found them in good and due form, have agreed on the following:

ARTICLE 1

The contracting republics accept and put into force the code of private international law annexed to the present convention.

ARTICLE 2

The provisions of this code shall be applicable only among the contracting republics and among the other states which adhere to it in the manner hereinafter provided.

ARTICLE 3

Each one of the contracting republics, when ratifying the present convention, may declare that it reserves acceptance of one or more articles of the annexed code, and the provisions to which the reservation refers shall not be binding upon it.

ARTÍCULO 4.

El código entrará en vigor para las repúblicas que lo ratifiquen, a los treinta días del depósito de la respectiva ratificación y siempre que por lo menos lo hayan ratificado dos.

ARTÍCULO 5.

Las ratificaciones se depositarán en la oficina de la Unión Panamericana que trasmitirá copia de ellas a cada una de las repúblicas contratantes.

ARTÍCULO 6.

Los estados o personas jurídicas internacionales no contratantes que deseen adherirse a este convenio y en todo o en parte al código anexo, lo notificarán a la oficina de la Unión Panamericana, que a su vez lo comunicará a todos los estados hasta entonces contratantes o adheridos. Transcurridos seis meses desde esa comunicación, el estado o persona jurídica internacional interesados podrá depositar en la oficina de la Unión Panamericana el instrumento de adhesión y quedará ligado por este convenio, con carácter recíproco, treinta días después de la adhesión, respecto de todos los regidos por el mismo que no hayan hecho en esos plazos reserva alguna en cuanto a la adhesión solicitada.

ARTÍCULO 7.

Cualquiera república Americana ligada por este convenio que desee modificar en todo o en parte el código anexo, presentará la proposición correspondiente a la Conferencia Internacional Americana para la resolución que proceda.

ARTÍCULO 8.

Si alguna de las personas jurídicas internacionales contratantes o adheridas quisiera denunciar el presente convenio, notificará la denuncia por escrito a la Unión Panamericana, la cual trasmitirá inmediatamente copia literal certificada de la notificación a las demás, dándoles a conocer la fecha en que la ha recibido. La denuncia no surtirá efecto sino respecto del contratante que la haya notificado y al año de recibida en la oficina de la Unión Panamericana.

ARTICLE 4

The code shall go into force, for the republics which ratify it, thirty days after the deposit of the respective ratification, provided it has been ratified by at least two of them.

ARTICLE 5

The ratification shall be deposited in the office of the Pan American Union, which shall transmit copy thereof to each of the contracting republics.

ARTICLE 6

Non-contracting states or international juristic persons desiring to adhere to this convention, and in whole or in part to the annexed code, shall notify the office of the Pan American Union, which in its turn shall inform all the existing contracting or adhering states. Six months thereafter the state or international juristic person interested may deposit in the office of the Pan American Union the instrument of adherence, and shall be reciprocally bound by this convention thirty days after the adherence with regard to all those governed thereby who have not made within that period any reservation concerning the requested adherence.

ARTICLE 7

Any American republic bound by this convention which desires to modify in whole or in part the annexed code shall present the corresponding proposal to the International Conference of American States for the proper resolution.

ARTICLE 8

If any of the contracting or adhering international juristic persons should wish to denounce the present convention, it shall notify the denunciation in writing to the office of the Pan American Union, which shall immediately transmit a certified literal copy of the notification to the others, informing them of the date on which it was received.

The denunciation shall take effect only in respect to the contracting party which has notified it, and a year after it has been received in the office of the Pan American Union.

ARTÍCULO 9.

La oficina de la Unión Panamericana llevará un registro de las fechas de recibo de ratificaciones y recibo de adhesiones y denuncias, y expedirá copias certificadas de dicho registro a todo contratante que lo solicite.

En fe de lo cual los plenipotenciarios firman el presente convenio y ponen en él el sello de la Sexta Conferencia Internacional Americana.

Hecho en la ciudad de la Habana, República de Cuba, el día veinte de febrero de mil novecientos veintiocho, en cuatro ejemplares escritos respectivamente en castellano, inglés, francés y portugués que se depositarán en la oficina de la Unión Panamericana a fin de que envíe una copia certificada de todos a cada una de las repúblicas signatarias.

ARTICLE 9

The office of the Pan American Union shall keep a register of the dates of deposit of ratifications, and receipt of adhesions and denunciations, and shall issue certified copies of said register to every contracting party requesting it.

In testimony whereof the plenipotentiaries sign the present convention and affix thereto the seal of the Sixth International Conference of American States.

Done at the city of Habana, Republic of Cuba, on the twentieth day of February one thousand nine hundred and twenty-eight, in four copies, written respectively in Spanish, French, English, and Portuguese, which shall be deposited in the office of the Pan American Union in order that it may send a certified copy of all to each of the signatory Republics.

[Anexo a la Convención]

CODIGO DE DERECHO INTERNACIONAL PRIVADO

TITULO PRELIMINAR

REGLAS GENERALES

Artículo 1

Los extranjeros que pertenezcan a cualquiera de los estados contratantes gozan, en el territorio de los demás, de los mismos derechos civiles que se concedan a los nacionales.

Cada estado contratante puede, por razones de orden público, rehusar o subordinar a condiciones especiales el ejercicio de ciertos derechos civiles a los nacionales de los demás y cualquiera de esos estados, puede, en tales casos, rehusar o subordinar a condiciones especiales el mismo ejercicio a los nacionales del primero.

Artículo 2

Los extranjeros que pertenezcan a cualquiera de los estados contratantes gozarán asimismo en el territorio de los demás de garantías individuales idénticas a las de los nacionales, salvo las limitaciones que en cada uno establezcan la constitución y las leyes.

Las garantías individuales idénticas no se extienden, salvo disposición especial de la legislación interior, al desempeño de funciones públicas, al derecho de sufragio y a otros derechos políticos.

Artículo 3

Para el ejercicio de los derechos civiles y para el goce de las garantías individuales idénticas, las leyes y reglas vigentes en cada estado contratante se estiman divididas en las tres clases siguientes:

I. Las que se aplican a las personas en razón de su domicilio o de su nacionalidad y las siguen aunque se trasladen a otro país, denominadas personales o de orden público interno;

II. Las que obligan por igual a cuantos residen en el territorio, sean o no nacionales, denominadas territoriales, locales o de orden público internacional;

[Annex to the Convention]

CODE OF PRIVATE INTERNATIONAL LAW

PRELIMINARY TITLE

GENERAL RULES

Article 1

Foreigners belonging to any of the contracting states enjoy, in the territory of others, the same civil rights as are granted to nationals.

Each contracting state may, for reasons of public order, refuse or subordinate to special conditions, the exercise of certain civil rights by the nationals of the remaining states and any of the latter states may in such cases refuse or subordinate to special conditions the same exercise to the nationals of the former.

Article 2

Foreigners belonging to any of the contracting states shall also enjoy in the territory of the others identical individual guaranties with those of nationals, except as limited in each of them by the constitution and the laws.

Identical individual guaranties do not include, unless especially provided in the domestic legislation, the exercise of public functions, the right of suffrage, and other political rights.

Article 3

For the exercise of civil rights and the enjoyment of identical individual guaranties, the laws and regulations in force in each contracting state are deemed to be divided into the three following classes:

I. Those applying to persons by reason of their domicile or their nationality and following them even when they go to another country, termed personal or of an internal public order;

II. Those binding alike upon all persons residing in the territory, whether or not they are nationals, termed territorial, local, or of an international public order;

III. Las que se aplican solamente mediante la expresión, la interpretación o la presunción de la voluntad de las partes o de alguna de ellas, denominadas voluntarias o de orden privado.

ARTÍCULO 4

Los preceptos constitucionales son de orden público internacional.

ARTÍCULO 5

Todas las reglas de protección individual y colectiva, establecidas por el derecho político y el administrativo, son también de orden público internacional, salvo el caso de que expresamente se disponga en ellas lo contrario.

ARTÍCULO 6

En todos los casos no previstos por este código cada uno de los estados contratantes aplicará su propia calificación a las instituciones o relaciones jurídicas que hayan de corresponder a los grupos de leyes mencionados en el artículo 3.

ARTÍCULO 7

Cada estado contratante aplicará como leyes personales las del domicilio, las de la nacionalidad o las que haya adoptado o adopte en lo adelante su legislación interior.

ARTÍCULO 8

Los derechos adquiridos al amparo de las reglas de este código tienen plena eficacia extraterritorial en los estados contratantes, salvo que se opusiere a alguno de sus efectos o consecuencias una regla de orden público internacional.

III. Those applying only through the expression, interpretation, or presumption of the will of the parties or of one of them, termed voluntary or of a private order.

ARTICLE 4

Constitutional precepts are of an international public order.

ARTICLE 5

All rules of individual and collective protection, established by political and administrative law, are also of an international public order, except in case of express provisions therein enacted to the contrary.

ARTICLE 6

In all cases not provided for in this code each one of the contracting states shall apply its own definition to the juridical institutions or relationships corresponding to the groups of laws mentioned in Article 3.

ARTICLE 7

Each contracting state shall apply as personal law that of the domicile or that of the nationality or that which its domestic legislation may have prescribed, or may hereafter prescribe.

ARTICLE 8

The rights acquired under the rules of this code shall have full extraterritorial force in the contracting states, except when any of their effects or consequences is in conflict with a rule of an international public order.

LIBRO PRIMERO

DERECHO CIVIL INTERNACIONAL

TÍTULO PRIMERO

DE LAS PERSONAS

Capítulo I. Nacionalidad y naturalización

ARTÍCULO 9

Cada estado contratante aplicará su propio derecho a la determinación de la nacionalidad de origen de toda persona individual o jurídica y de su adquisi-

BOOK I

INTERNATIONAL CIVIL LAW

TITLE I

PERSONS

Chapter I. Nationality and naturalization

ARTICLE 9

Each contracting party shall apply its own law for the determination of the nationality of origin of any individual or juristic person and of its acquisition,

ción, pérdida o reintegración posteriores, que se hayan realizado dentro o fuera de su territorio, cuando una de las nacionalidades sujetas a controversia sea la de dicho estado. En los demás casos, regirán las disposiciones que establecen los artículos restantes de este capítulo.

Artículo 10

A las cuestiones sobre nacionalidad de origen en que no esté interesado el estado en que se debaten, se aplicará la ley de aquella de las nacionalidades discutida en que tenga su domicilio la persona de que se trate.

Artículo 11

A falta de ese domicilio se aplicarán al caso previsto en el artículo anterior los principios aceptados por la ley del juzgador.

Artículo 12

Las cuestiones sobre adquisición individual de una neuva nacionalidad, se resolverán de acuerdo con la ley de la nacionalidad que se suponga adquirida.

Artículo 13

A las naturalizaciones colectivas en el caso de independencia de un estado se aplicará la ley del estado nuevo, si ha sido reconocida por el estado juzgador, y en su defecto la del antiguo, todo sin perjuicio de las estipulaciones contractuales entre los dos estados interesados, que serán siempre preferentes.

Artículo 14

A la pérdida de la nacionalidad debe aplicarse la ley de la nacionalidad pérdida.

Artículo 15

La recuperación de la nacionalidad se somete a la ley de la nacionalidad que se recobra.

Artículo 16

La nacionalidad de origen de las corporaciones y de las fundaciones se determinará por la ley del estado que las autorice o apruebe.

loss and recuperation thereafter, either within or without its territory, whenever one of the nationalities in controversy is that of the said state. In all other cases the provisions established in the remaining articles of this chapter shall apply.

Article 10

In questions relating to nationality of origin in which the state in which they are raised is not interested, the law of that one of the nationalities in issue in which the person concerned has his domicile shall be applied.

Article 11

In the absence of that domicile, the principles accepted by the law of the trial court shall be applied in the case mentioned in the preceding article.

Article 12

Questions concerning individual acquisition of a new nationality shall be determined in accordance with the law of the nationality which is supposed to be acquired.

Article 13

In collective naturalizations, in case of the independence of a state, the law of the acquiring or new state shall apply, if it has established in the territory an effective sovereignty which has been recognized by the state trying the issue, and in the absence thereof that of the old state, all without prejudice to the contractual stipulations between the two interested states, which shall always have preference.

Article 14

In the case of loss of nationality, the law of the lost nationality should be applied.

Article 15

Resumption of nationality is controlled by the law of the nationality which is resumed.

Article 16

The nationality of origin of corporations and foundations shall be determined by the law of the state which authorizes or approves them.

ARTÍCULO 17

La nacionlidad de origen de las asociaciones será la del país en que se constituyan, y en él deben registrarse o inscribirse si exigiere ese requisito la legislación local.

ARTÍCULO 18

Las sociedades civiles, mercantiles o industriales que no sean anónimas, tendrán la nacionalidad que establezca el contrato social y, en su caso, la del lugar donde radicare habitualmente su gerencia o dirección principal.

ARTÍCULO 19

Para las sociedades anónimas se determinará la nacionalidad por el contrato social y en su caso por la ley del lugar en que se reuna normalmente la junta general de accionistas y, en su defecto, por la del lugar en que radique su principal junta o consejo directivo o administrativo.

ARTÍCULO 20

El cambio de nacionalidad de las corporaciones, fundaciones, asociaciones y sociedades, salvo los casos de variación en la soberanía territorial, habrá de sujetarse a las condiciones exigidas por su ley antigua y por la nueva.

Si cambiare la soberanía territorial, en el caso de independencia, se aplicará la regla establecida en el artículo trece para las naturalizaciones colectivas.

ARTÍCULO 21

Las disposiciones del artículo 9 en cuanto se refieran a personas jurídicas y las de los artículos 16 y 20, no serán aplicadas en los Estados contratantes que no atribuyan nacionalidad a dichas personas jurídicas.

Capitulo II. Domicilio

ARTÍCULO 22

El concepto, adquisición, pérdida y recuperación del domicilio general y especial de las personas naturales o jurídicas se regirán por la ley territorial.

ARTICLE 17

The nationality of origin of associations shall be the nationality of the country in which they are constituted, and therein they shall be registered or recorded if such requisite is demanded by the local legislation.

ARTICLE 18

Unincorporated civil, commercial, or industrial societies or companies shall have the nationality provided by the articles of association, or, in an applicable case, that of the place where its principal management or governing body is habitually located.

ARTICLE 19

With respect to stock corporations, nationality shall be determined by the articles of incorporation or, in an applicable case, by the law of the place where the general meeting of shareholders is normally held, and in the absence thereof, by the law of the place where its principal governing or administrative board or council is located.

ARTICLE 20

Change of nationality of corporations, foundations, associations and partnerships, except in cases of change of territorial sovereignty, should be subject to the conditions required by their old law and by the new.

In case of change in the territorial sovereignty, owing to independence, the rule established in Article 13 for collective naturalizations shall apply.

ARTICLE 21

The provisions of Article 9, in so far as they concern juristic persons, and those of Articles 16 and 20, shall not be applied in the contracting states which do not ascribe nationality to juristic persons.

Chapter II. Domicile

ARTICLE 22

The concept, acquisition, loss and recovery of general or special domicile of natural or juristic persons shall be governed by the territorial law.

ARTÍCULO 23

El domicilio de los funcionarios diplomáticos y el de los individuos que residan temporalmente en el extranjero por empleo o comisión de su gobierno o para estudios científicos o artísticos, será el último que hayan tenido en su territorio nacional.

ARTÍCULO 24

El domicilio legal del jefe de la familia se extiende a la mujer y los hijos no emancipados, y el del tutor o curador o los menores o incapacitados bajo su guardia, si no dispone lo contrario la legislación personal de aquellos a quienes se atribuye el domicilio de otro.

ARTÍCULO 25

Las cuestiones sobre cambio de domicilio de las personas naturales o jurídicas se resolverán de acuerdo con la ley del tribunal, si fuere el de uno de los estados interesados, y en su defecto por la del lugar en que se pretenda haber adquirido el último domicilio.

ARTÍCULO 26

Para las personas que no tengan domicilio se entenderá como tal el de su residencia, o en donde se encuentre.

Capítulo III. Nacimiento, extinción y consecuencias de la personalidad civil

SECCIÓN I. DE LAS PERSONAS INDIVIDUALES

ARTÍCULO 27

La capacidad de las personas individuales se rige por su ley personal, salvo las restricciones establecidas para su ejercicio por este código o por el derecho local.

ARTÍCULO 28

Se aplicará la ley personal para decidir si el nacimiento determina la personalidad y si al concebido se le tiene por nacido para todo lo que le sea favorable, así como para la viabili-

ARTICLE 23

The domicile of diplomatic officers and that of individuals temporarily residing abroad in the employment or commission of their government or for scientific or artistic studies, will be the last one they had in their national territory.

ARTICLE 24

The legal domicile of the head of the family extends to the wife and children, except children who have reached their majority or have been emancipated, and that of the tutor or guardian extends to the minors or incapables under his guardianship unless otherwise provided by the personal legislation of those to whom the domicile of another is ascribed.

ARTICLE 25

Questions relating to change of domicile of natural or juridical persons shall be determined in accordance with the law of the court, if it is that of one of the interested states, otherwise they shall be determined by the law of the place in which it is alleged they have acquired their last domicile.

ARTICLE 26

For persons having no domicile the place of their residence or, where they may happen to be, shall be considered as such.

Chapter III. Birth, extinction, and consequences of civil personality

SECTION I. INDIVIDUAL PERSONS

ARTICLE 27

The capacity of individual persons is governed by the personal law, with the exception of the restrictions established for its exercise by this code or by local laws.

ARTICLE 28

Personal law shall be applied for the purpose of deciding whether birth determines personality and whether the unborn child is to be deemed as born for all purposes favorable to him, as

dad y los efectos de la prioridad del nacimiento en el caso de partos dobles o múltiples.

ARTÍCULO 29

Las presunciones de supervivencia o de muerte simultánea en defecto de prueba, se regulan por la ley personal de cada uno de los fallecidos en cuanto a su respectiva sucesión.

ARTÍCULO 30

Cada estado aplica su propia legislación para declarar extinguida la personalidad civil por la muerte natural de las personas individuales y la desaparición o disolución oficial de las personas jurídicas, así como para decidir si la menor edad, la demencia o imbecilidad, la sordomudez, la prodigalidad y la interdicción civil son únicamente restricciones de la personalidad, que permiten derechos y aun ciertas obligaciones.

SECCIÓN II. DE LAS PERSONAS JURÍDICAS

ARTÍCULO 31

Cada estado contratante, en su carácter de persona jurídica, tiene capacidad para adquirir y ejercitar derechos civiles y contraer obligaciones de igual clase en el territorio de los demás, sin otras restricciones que las establecidas expresamente por el derecho local.

ARTÍCULO 32

El concepto y reconocimiento de las personas jurídicas se regirán por la ley territorial.

ARTÍCULO 33

Salvo las restricciones establecidas en los dos artículos anteriores, la capacidad civil de las corporaciones se rige por la ley que las hubiere creado o reconocido; la de las fundaciones por las reglas de su institución, aprobadas por la autoridad correspondiente, si lo exigiere su derecho nacional, y la de las asociaciones por sus estatutos, en iguales condiciones.

well as for the purpose of viability and the effects of priority of birth in the case of double or multiple childbirth.

ARTICLE 29

The presumptions of survivorship or simultaneous death, in the absence of proof, are governed by the personal law of each of the deceased persons in so far as their respective estates are concerned.

ARTICLE 30

Each state shall apply its own legislation for the purpose of declaring that civil personality is extinguished by the natural death of individual persons and the disappearance or official dissolution of juristic persons, as well as for the purpose of deciding whether minority, insanity or imbecility, deaf-dumbness, prodigality, and civil interdiction are only restrictions upon the status of persons permitting the existence of rights and even certain obligations.

SECTION II. JURISTIC PERSONS

ARTICLE 31

Each contracting state, as a juristic person, has full capacity to acquire and exercise civil rights and to assume obligations of the same character within the territory of the others, without restrictions other than those expressly established by the local law.

ARTICLE 32

The concept and recognition of juristic persons shall be governed by territorial law.

ARTICLE 33

Excepting the restrictions provided in the two preceding articles the civil capacity of corporations is governed by the law which has created or recognized them; that of foundations by the rules of their institution, approved by the proper authority if required by their national laws; and that of associations by their constitutions upon like conditions.

ARTÍCULO 34

Con iguales restricciones, la capacidad civil de las sociedades civiles, mercantiles o industriales se rige por las disposiciones relativas al contrato de sociedad.

ARTÍCULO 35

La ley local se aplica para atribuir los bienes de las personas jurídicas que dejan de existir, si el caso no está previsto de otro modo en sus estatutos, cláusulas fundacionales, o en el derecho vigente respecto de las sociedades.

Capitulo IV. Del matrimonio y el divorcio

SECCIÓN I. CONDICIONES JURIDICAS QUE HAN DE PRECEDER A LA CELEBRACIÓN DEL MATRIMONIO

ARTÍCULO 36

Los contrayentes estarán sujetos a su ley personal en todo lo que se refiera a la capacidad para celebrar el matrimonio, al consentimiento o consejo paternos, a los impedimentos y a su dispensa.

ARTÍCULO 37

Los extranjeros deben acreditar antes de casarse que han llenado las condiciones exigidas por sus leyes personales en cuanto a lo dispuesto en el artículo precedente. Podrán justificarlo mediante certificación de sus funcionarios diplomáticos o agentes consulares o por otros medios que estime suficientes la autoridad local, que tendrá en todo caso completa libertad de apreciación.

ARTÍCULO 38

La legislación local es aplicable a los extranjeros en cuanto a los impedimentos que por su parte establezca y que no sean dispensables, a la forma del consentimiento, a la fuerza obligatoria o no de los esponsales, a la oposición al matrimonio, a la obligación de denunciar los impedimentos y las consecuencias civiles de la denuncia falsa, a la forma de las diligencias preliminares y a la autoridad competente para celebrarlo.

ARTICLE 34

With the same restrictions, the civil capacity of civil, commercial, or industrial partnerships is governed by the provisions relating to the contract of partnership.

ARTICLE 35

The local law applies for the purpose of escheat in respect to the property of juristic persons which have ceased to exist, unless otherwise provided for in their by-laws, charters, or in the law in force for associations.

Chapter IV. Marriage and divorce

SECTION I. LEGAL CONDITIONS WHICH MUST PRECEDE THE CELEBRATION OF MATRIMONY

ARTICLE 36

The parties thereto shall be subject to their personal law in so far as it relates to their capacity to celebrate the marriage, the parents' consent or advice, the impediments and their dispensation.

ARTICLE 37

Foreigners must show, before marrying, that they have complied with the conditions provided by their personal laws in respect to the provisions of the preceding article. They may do so by a certificate issued by their diplomatic or consular officers or by any other means deemed sufficient by the local authority, which shall have full liberty of determining every case.

ARTICLE 38

Local legislation is applicable to foreigners in respect to the impediments which it establishes as indispensable, to the form of consent, to the binding or non-binding force of the betrothal, to the opposition to the marriage, the obligation of notifying impediments and the civil consequences of a false notice, to the form of preliminary procedure, and to the authority who may be competent to perform the ceremony.

ARTÍCULO 39

Se rige por la ley personal común de las partes y, en su defecto, por el derecho local, la obligación o no de indemnización por la promesa de matrimonio incumplida o por la publicación de proclamas en igual caso.

ARTÍCULO 40

Los estados contratantes no quedan obligados a reconocer el matrimonio celebrado en cualquiera de ellos, por sus nacionales o por extranjeros, que contraríe sus disposiciones relativas a la necesidad de la disolución de un matrimonio anterior, a los grados de consanguinidad o afinidad respecto de los cuales exista impedimento absoluto, a la prohibición de casarse establecida respecto a los culpables de adulterio en cuya virtud se haya disuelto el matrimonio de uno de ellos y a la misma prohibición respecto al responsable de atentado a la vida de uno de los cónyuges para casarse con el sobreviviente, o a cualquiera otra causa de nulidad insubsanable.

SECCIÓN II. DE LA FORMA DEL MATRIMONIO

ARTÍCULO 41

Se tendrá en todas partes como válido en cuanto a la forma, el matrimonio celebrado en la que establezcan como eficaz las leyes del país en que se efectúe. Sin embargo, los estados cuya legislación exija una ceremonia religiosa, podrán negar validez a los matrimonios contraídos por sus nacionales en el extranjero sin observar esa forma.

ARTÍCULO 42

En los países en donde las leyes lo admitan, los matrimonios contraídos ante los funcionarios diplomáticos o agentes consulares de ambos contrayentes, se ajustarán a su ley personal, sin perjuicio de que les sean aplicable las disposiciones del artículo cuarenta.

ARTICLE 39

The liability or non-liability for breach of promise of marriage or for the publication of bans in such case is governed by the common personal law of the parties and in the absence thereof by the local law.

ARTICLE 40

The contracting states are not obliged to recognize a marriage celebrated in any one of them, by their nationals or by foreigners, which is in conflict with their provisions relative to the necessity of dissolution of a former marriage, to the degree of consanguinity or affinity, in respect to which there exists an absolute impediment, to the prohibition of marriage established in respect to those guilty of adultery by reason of which the marriage of one of them has been dissolved, to the same prohibition in respect to the one guilty of an attempt against the life of one of the spouses for the purpose of marrying the survivor, and to any other inexcusable grounds of annulment.

SECTION II. THE FORM OF MARRIAGE

ARTICLE 41

A marriage shall be held valid everywhere in respect to its form if it has been celebrated in the manner prescribed as valid by the laws of the country where it has taken place. However, the states whose legislation prescribes a religious ceremony may refuse to recognize the validity of marriages entered into by their nationals abroad without the observance of that form.

ARTICLE 42

In the countries where the law admits thereof, marriages entered into by foreigners before the diplomatic or consular agents of both contractants shall be subject to their personal law, without prejudice to the application thereto of the provisions of Article 40.

SECCIÓN III. EFECTOS DEL MATRIMONIO EN CUANTO A LAS PERSONAS DE LOS CÓNYUGES

ARTÍCULO 43

Se aplicará el derecho personal de ambos cónyuges y, si fuera diverso, el del marido, en lo que toque a los deberes respectivos de protección y obediencia, a la obligación o no de la mujer de seguir al marido cuando cambie de residencia, a la disposición y administración de los bienes comunes y a los demás efectos especiales del matrimonio.

ARTÍCULO 44

La ley personal de la mujer regirá la disposición y administración de sus bienes propios y su comparecencia en juicio.

ARTÍCULO 45

Se sujeta al derecho territorial la obligación de los cónyuges de vivir juntos, guardarse fidelidad y socorrerse mutuamente.

ARTÍCULO 46

También se aplica imperativamente el derecho local que prive de efectos civiles al matrimonio del bígamo.

SECCIÓN IV. NULIDAD DEL MATRIMONIO Y SUS EFECTOS

ARTÍCULO 47

La nulidad del matrimonio debe regularse por la misma ley a que esté sometida la condición intrínseca o extrínseca que la motive.

ARTÍCULO 48

La coacción, el miedo y el rapto como causas de nulidad del matrimonio se rigen por la ley del lugar de la celebración.

ARTÍCULO 49

Se aplicará la ley personal de ambos cónyuges, si fuere común; en su defecto la del cónyuge que haya obrado de buena fe, y, a falta de ambas, la del varón, a las reglas sobre el cuidado de los hijos de matrimonios nulos, en los casos en que no puedan o no quieran estipular nada sobre esto los padres.

SECTION III. EFFECTS OF MARRIAGE IN RESPECT TO THE PERSONS OF THE SPOUSES

ARTICLE 43

The personal law of the spouses shall be applied, and, if different, that of the husband, in what concerns the respective duties of protection and obedience, the obligation or non-obligation of the wife to follow the husband when he changes his residence, the disposal and administration of their joint property and all other special effects of marriage.

ARTICLE 44

The personal law of the wife will govern the disposal and administration of her own property and her appearance in trial.

ARTICLE 45

The obligation of the spouses to live together and be faithful to and help each other is subject to the territorial law.

ARTICLE 46

A local law which deprives the marriage of a bigamist of civil effects is also imperatively applied.

SECTION IV. NULLITY OF MARRIAGE AND ITS EFFECTS

ARTICLE 47

The nullity of marriage should be governed by the law to which the intrinsic or extrinsic condition which gives rise to it is subject.

ARTICLE 48

Coercion, fear, and abduction as causes of nullity of marriage are governed by the law of the place of solemnization.

ARTICLE 49

The personal law of the spouses if it is the same, otherwise that of the spouse who acted in good faith, and in the absence of both conditions, that of the male, shall apply in respect to the rules regarding the care of the children of void marriages in cases in which the parents can not or do not wish to stipulate anything on the subject.

ARTÍCULO 50

La propia ley personal debe aplicarse a los demás efectos civiles del matrimonio nulo, excepto los que ha de producir respecto de los bienes de los cónyuges, que seguirán la ley del régimen económico matrimonial.

ARTÍCULO 51

Son de orden público internacional las reglas que señalan los efectos judiciales de la demanda de nulidad.

SECCIÓN V. SEPARACIÓN DE CUERPOS Y DIVORCIO

ARTÍCULO 52

El derecho a la separación de cuerpos y al divorcio se regula por la ley del domicilio conyugal, pero no puede fundarse en causas anteriores a la adquisición de dicho domicilio si no las autoriza con iguales efectos la ley personal de ambos cónyuges.

ARTÍCULO 53

Cada estado contratante tiene el derecho de permitir o reconocer o no, el divorcio o el nuevo matrimonio de personas divorciadas en el extranjero, en casos, con efectos o por causas que no admita su derecho personal.

ARTÍCULO 54

Las causas del divorcio y de la separación de cuerpos se someterán a la ley del lugar en que se soliciten, siempre que en él estén domiciliados los cónyuges.

ARTÍCULO 55

La ley del juez ante quien se litiga determina las consecuencias judiciales de la demanda y los pronunciamientos de la sentencia respecto de los cónyuges y de los hijos.

ARTÍCULO 56

La separación de cuerpos y el divorcio, obtenidos conforme a los artículos que preceden, surten efectos civiles de acuerdo con la legislación del tribunal que los otorga, en los demás estados contratantes, salvo lo dispuesto en el artículo cincuenta y tres.

ARTICLE 50

The same personal law shall be applied to all other civil effects of a void marriage, except those which it must produce in respect to the property of the spouses, which shall follow the law of the matrimonial economic régime.

ARTICLE 51

The rules fixing the judicial effects of the action of nullity are of an international public order.

SECTION V. SEPARATION AND DIVORCE

ARTICLE 52

The right to separation and divorce is regulated by the law of the matrimonial domicile, but it can not be founded on causes prior to the acquisition of said domicile if they are not authorized with equal effect by the personal law of both spouses.

ARTICLE 53

Each contracting state has the right to permit or recognize, or not, the divorce or new marriage of persons divorced abroad, in cases, with effects or for causes which are not admitted by their personal law.

ARTICLE 54

The causes of divorce and separation shall be subject to the law of the place in which they are sought, if the married couple is domiciled there.

ARTICLE 55

The law of the court before which the litigation is pending determines the judicial consequences of the action and terms of the judgment in respect to the spouses and the children.

ARTICLE 56

Separation and divorce, obtained in conformity with the preceding articles, produce their civil effects in accordance with the legislation of the court which grants them, in the other contracting states, saving the provisions of Article 53.

Capitulo V. Paternidad y filiación

ARTÍCULO 57

Son reglas de orden público interno, debiendo aplicarse la ley personal del hijo si fuere distinta a la del padre, las relativas a presunción de legitimidad y sus condiciones, las que confieren el derecho al apellido y las que determinan las pruebas de la filiación y regulan la sucesión del hijo.

ARTÍCULO 58

Tienen el mismo carácter, pero se aplica la ley personal del padre, las que otorguen a los hijos legitimados derecho sucesorios.

ARTÍCULO 59

Es de orden público internacional la regla que da al hijo el derecho a alimentos.

ARTÍCULO 60

La capacidad para legitimar se rige por la ley personal del padre y la capacidad para ser legitimado por la ley personal del hijo, requiriendo la legitimación la concurrencia de las condiciones exigidas en ambas.

ARTÍCULO 61

La prohibición de legitimar hijos no simplemente naturales es de orden público internacional.

ARTÍCULO 62

Las consecuencias de la legitimación y la acción para impugnarla se someten a la ley personal del hijo.

ARTÍCULO 63

La investigación de la paternidad y de la maternidad y su prohibición se regulan por el derecho territorial.

ARTÍCULO 64

Dependen de la ley personal del hijo las reglas que señalan condiciones al reconocimiento, obligan a hacerlo en ciertos casos, establecen las acciones a ese efecto, conceden o niegan el apellido y señalan causas de nulidad.

Chapter V. Paternity and filiation

ARTICLE 57

Rules concerning the presumption of legitimacy and its conditions, those conferring the right to the name, and those which determine the evidence of filiation and regulate the inheritance of the child are rules of an internal public order, the personal law of the child if different from that of the father being applied.

ARTICLE 58

The rules granting rights of inheritance to legitimated children partake of the same character, but in this case the personal law of the father is applied.

ARTICLE 59

The rule which gives the legitimate child the right to maintenance is of an international public order.

ARTICLE 60

The capacity to legitimate is governed by the personal law of the father, and the capacity to be legitimated by the personal law of the child, legitimation requiring the concurrence of the conditions prescribed by both.

ARTICLE 61

A prohibition against legitimation of children not simply natural is of an international public order.

ARTICLE 62

The consequences of legitimation and the action to impugn it are subject to the personal law of the child.

ARTICLE 63

Investigation of paternity, maternity and prohibition thereof are regulated by territorial law.

ARTICLE 64

The rules prescribing the required conditions for acknowledgment, compelling it in certain cases, establishing the actions necessary for the purpose, granting or refusing the family name, and fixing the causes of nullity, are subject to the personal law of the child.

ARTÍCULO 65

Se subordinan a la ley personal del padre los derechos sucesorios de los hijos ilegítimos y a la personal del hijo los de los padres ilegítimos.

ARTÍCULO 66

La forma y circunstancias del reconocimiento de los hijos ilegítimos se subordinan al derecho territorial.

Capítulo VI. Alimentos entre parientes

ARTÍCULO 67

Se sujetarán a la ley personal del alimentado el concepto legal de los alimentos, el orden de su prestación, la manera de suministrarlos y la extensión de ese derecho.

ARTÍCULO 68

Son de orden público internacional las disposiciones que establecen el deber de prestar alimentos, su cuantía, reducción y aumento, la oportunidad en que se deben y la forma de su pago, así como las que prohiben renunciar y ceder ese derecho.

Capítulo VII. Patria potestad

ARTÍCULO 69

Están sometidas a la ley personal del hijo la existencia y el alcance general de la patria potestad respecto de la persona y los bienes, así como las causas de su extinción y recobro y la limitación por las nuevas nupcias del derecho de castigar.

ARTÍCULO 70

La existencia del derecho de usufructo y las demás reglas aplicables a las diferentes clases de peculio, se someten también a la ley personal del hijo, sea cual fuere la naturaleza de los bienes y el lugar en que se encuentren.

ARTICLE 65

The inheritance rights of illegitimate children are subject to the personal law of the father, and those of illegitimate parents are subject to the personal law of the child.

ARTICLE 66

The form and circumstances of acknowledging illegitimate children are subordinated to the territorial law.

Chapter VI. Maintenance among relatives

ARTICLE 67

The legal concept of maintenance, the order in which it is to be provided, the manner of furnishing it, and the extinction of that right shall be subject to the personal law of the one to be maintained.

ARTICLE 68

The provisions establishing the duty to provide maintenance, its quantity, reduction or increase, the time at which it is due, and the manner in which it is to be provided, as well as those forbidding the renunciation and the assignment of that right, are of an international public order.

Chapter VII. Paternal power

ARTICLE 69

The existence and general extent of paternal power in respect to person and property, as well as the cause of its extinction and recovery, and the limitation, by reason of a new marriage, of the right to punish, are subject to the personal law of the child.

ARTICLE 70

The existence of the right of usufruct and all other rules applicable to the different classes of his private property are also subject to the personal law of the child, whatever the nature of the property or the place where it is situated may be.

ARTÍCULO 71

Lo dispuesto en el artículo anterior ha de entenderse en territorio extranjero sin perjuicio de los derechos de tercero que la ley local otorgue y de las disposiciones locales sobre publicidad y especialidad de garantías hipotecarias.

ARTÍCULO 72

Son de orden público internacional las disposiciones que determinen la naturaleza y límites de la facultad del padre para corregir y castigar y su recurso a las autoridades, así como las que lo priven de la potestad por incapacidad, ausencia o sentencia.

Capitulo VIII. Adopción

ARTÍCULO 73

La capacidad para adoptar y ser adoptado y las condiciones y limitaciones de la adopción se sujetan a la ley personal de cada uno de los interesados.

ARTÍCULO 74

Se regulan por la ley personal del adoptante sus efectos en cuanto a la sucesión de éste y por la del adoptado lo que se refiere al apellido y a los derechos y deberes que conserve respecto de su familia natural, así como a su sucesión respecto del adoptante.

ARTÍCULO 75

Cada uno de los intersados podrá impugnar la adopción de acuerdo con las prescripciones de su ley personal.

ARTÍCULO 76

Son de orden público internacional las disposiciones que en esta materia regulan el derecho a alimentos y las que establecen para la adopción formas solemnes.

ARTÍCULO 77

Las disposiciones de los cuatro artículos precedentes no se aplicarán a los Estados cuyas legislaciones no reconozcan la adopción.

ARTICLE 71

The provisions of the preceding article are to be applied in foreign territory without prejudice to the rights of third parties which may be granted by local law and the local provisions in respect to publicity and specialty of mortgage securities.

ARTICLE 72

Provisions which determine the kind and limits of the right of the father to correct and punish and his recourse to the authorities, as well as provisions depriving him of power by reason of incapacity, absence or by judgment of a court, are of an international public order.

Chapter VIII. Adoption

ARTICLE 73

The capacity to adopt and to be adopted and the conditions and limitations of adoption are subject to the personal law of each of the interested persons.

ARTICLE 74

The effects of adoption are regulated by the personal law of the adopting party in so far as his estate is concerned, and by that of the adopted one in respect to the name, the rights and duties which he retains regarding his natural family, as well as to his estate in regard to the adopting person.

ARTICLE 75

Either one of the interested persons may repudiate the adoption in accordance with the provisions of his personal law.

ARTICLE 76

Provisions regulating in this matter the right to maintenance, as well as provisions establishing solemn forms for the act of adoption, are of an international public order.

ARTICLE 77

The provisions of the four preceding articles will not apply to states whose legislations do not recognize adoption.

Capitulo IX. De la ausencia

ARTÍCULO 78

Las medidas provisionales en caso de ausencia son de orden público internacional.

ARTÍCULO 79

No obstante lo dispuesto en el artículo anterior, se designará la representación del presunto ausente de acuerdo con su ley personal.

ARTÍCULO 80

La ley personal del ausente determina a quién compete la acción para pedir esa declaratoria y establece el orden y condiciones de los administradores.

ARTÍCULO 81

El derecho local debe aplicarse para decidir cuándo se hace y surte efecto la declaración de ausencia y cuándo y cómo debe cesar la administración de los bienes del ausente, así como a la obligación y forma de rendir cuentas.

ARTÍCULO 82

Todo lo que se refiera a la presunción de muerte del ausente y a sus derechos eventuales, se regula por su ley personal.

ARTÍCULO 83

La declaración de ausencia o de su presunción, así como su cesación y la de presunción de muerte del ausente, tienen eficacia extraterritorial, incluso en cuanto al nombramiento y facultades de los administradores.

Capitulo X. Tutela

ARTÍCULO 84

Se aplicará la ley personal del menor o incapacitado para lo que toque al objeto de la tutela o curatela, su organización y sus especies.

ARTÍCULO 85

La propia ley debe observarse en cuanto a la institución del protutor.

Chapter IX. Absence

ARTICLE 78

Provisional measures in the case of absence are of an international public order.

ARTICLE 79

Notwithstanding the provisions of the preceding article, the representation of the person whose absence is presumed shall be designated in accordance with his personal law.

ARTICLE 80

The personal law of the absentee determines who is competent to institute an action requesting such declaration and establishes the order and conditions of the administrators.

ARTICLE 81

The local law shall be applied for the purpose of deciding when the declaration of absence is made and takes effect and when and how the administration of the property of the absentee shall terminate as well as the obligation and manner of rendering accounts.

ARTICLE 82

Everything relating to the presumption of death of the absentee and his eventual right is regulated by his personal law.

ARTICLE 83

A declaration of absence or of its presumption as well as its cessation and that of presumption of death of the absentee have extraterritorial force, including what has reference to the appointment and powers of the administrators.

Chapter X. Guardianship

ARTICLE 84

The personal law of the minor or incapacitated person shall be applied to what concerns the object of the guardianship or curatorship, its organization, and its different classes.

ARTICLE 85

The same law is to be observed in respect to the appointment of an ancillary guardian.

ARTÍCULO 86

A las incapacidades y excusas para la tutela, curatela y protutela deben aplicarse simultáneamente las leyes personales del tutor, curador o protutor y del menor o incapacitado.

ARTÍCULO 87

El afianzamiento de la tutela o curatela y las reglas para su ejercicio se someten a la ley personal del menor o incapacitado. Si la fianza fuere hipotecaria o pignoraticia deberá constituirse en la forma prevenida por la ley local.

ARTÍCULO 88

Se rigen también por la ley personal del menor o incapacitado las obligaciones relativas a las cuentas, salvo las responsabilidades de orden penal, que son territoriales.

ARTÍCULO 89

En cuanto al registro de tutelas se aplicarán simultáneamente la ley local y las personales del tutor o curador y del menor o incapacitado.

ARTÍCULO 90

Son de orden público internacional los preceptos que obligan al ministerio público o a cualquier funcionario local, a solicitar la declaración de incapacidad de dementes y sordomudos y los que fijen los trámites de esa declaración.

ARTÍCULO 91

Son también de orden público internacional las reglas que establecen las consecuencias de la interdicción.

ARTÍCULO 92

La declaratoria de incapacidad y la interdicción civil surten efectos extraterritoriales.

ARTICLE 86

To incapacities and excuses concer ing guardianship, curatorship, ar ancillary guardianship must be simu taneously applied the personal laws the guardian, curator, or ancilla guardian and of the minor or incapa itated person.

ARTICLE 87

The security to be furnished by t guardian or curator and the rules f the exercise of guardianship are subje to the personal law of the minor incapacitated person. If the securit is a mortgage or a pledge, it is to furnished in the manner prescribed b the local law.

ARTICLE 88

Obligations relating to accounting except responsibilities of a penal natur which are territorial, are also governe by the personal law of the minor incapacitated person.

ARTICLE 89

In respect to registration of guardia ships, the local and the personal laws the guardian or curator and of t minor or incapacitated person shall simultaneously applied.

ARTICLE 90

The precepts which compel the pu lic prosecutor or any other local fun tionary to request the declarations incapacity of insane and deaf-mut and those fixing the procedure to followed for that declaration are of international public order.

ARTICLE 91

Rules establishing the consequenc of interdiction are also of an inte national public order.

ARTICLE 92

The declaration of incapacity ar interdiction have extraterritorial forc

ARTÍCULO 93

Se aplicará la ley local a la obligación del tutor o curador de alimentar al menor o incapacitado y a la facultad de corregirlos sólo moderadamente.

ARTÍCULO 94

La capacidad para ser miembro de un Consejo de familia se regula por la ley personal del interesado.

ARTÍCULO 95

Las incapacidades especiales y la organización, funcionamiento, derechos y deberes del consejo de familia, se someten a la ley personal del sujeto a tutela.

ARTÍCULO 96

En todo caso, las actas y acuerdos del consejo de familia deberán ajustarse a las formas y solemnidades prescritas por la ley del lugar en que se reúna.

ARTÍCULO 97

Los estados contratantes que tengan por ley personal la del domicilio podrán exigir, cuando cambie el de los incapaces de un país para otro, que se ratifique o se discierna de nuevo la tutela o curatela.

Capítulo XI. De la prodigalidad

ARTÍCULO 98

La declaración de prodigalidad y sus efectos se sujetan a la ley personal del pródigo.

ARTÍCULO 99

No obstante lo dispuesto en el artículo anterior, no se aplicará la ley del domicilio a la declaración de prodigalidad de las personas cuyo derecho racional desconozca esta institución.

ARTÍCULO 100

La declaración de prodigalidad, hecha en uno de los estados contratantes, tiene eficacia extraterritorial respecto de los demás, en cuanto el derecho local lo permita.

ARTICLE 93

Local law shall be applied to the obligation of the guardian or curator to support the minor or incapacitated person and to the power to correct the latter only to a moderate degree.

ARTICLE 94

The capacity to be a member of a family council is regulated by the personal law of the interested person.

ARTICLE 95

The special incapacities and the organization, functioning, rights and duties of the family council, are subject to the personal law of the ward.

ARTICLE 96

The proceedings and resolutions of the family council shall in all cases conform with the forms and solemnities prescribed by the law of the place in which it meets.

ARTICLE 97

Contracting states which have as personal law that of domicile, may demand, on transferring the domicile of incapacitated persons from one country to another, that the guardianship or curatorship be ratified or that the guardian or tutor be reappointed.

Chapter XI. Prodigality

ARTICLE 98

A spendthrift decree and its effects are subject to the personal law of the spendthrift.

ARTICLE 99

Notwithstanding the provisions of the preceding article, the law of the domicile shall not be applied to a spendthrift decree respecting parties whose national law ignores this institution.

ARTICLE 100

A spendthrift decree made in one of the contracting states shall have extraterritorial force in respect to the others in so far as the local law may permit it.

Capítulo XII. Emancipación y mayor edad

ARTÍCULO 101

Las reglas aplicables a la emancipación y la mayor edad son las establecidas por la legislación personal del interesado.

ARTÍCULO 102

Sin embargo, la legislación local puede declararse aplicable a la mayor edad como requisito para optar por la nacionalidad de dicha legislación.

Capítulo XIII. Del registro civil

ARTÍCULO 103

Las disposiciones relativas al registro civil son territoriales, salvo en lo que toca al que lleven los agentes consulares o funcionarios diplomáticos.

Lo prescrito en este artículo no afecta los derechos de otro estado en relaciones jurídicas sometidas al derecho internacional público.

ARTÍCULO 104

De toda inscripción relativa a un nacional de cualquiera de los estados contratantes, que se haga en el registro civil de otro, debe enviarse gratuítamente y por la vía diplomática, certificación literal y oficial al país del interesado.

TITULO SEGUNDO

DE LOS BIENES

Capítulo I. Clasificación de los bienes

ARTÍCULO 105

Los bienes, sea cual fuere su clase, están sometidos a la ley de la situación.

ARTÍCULO 106

Para los efectos del artículo anterior se tendrá en cuenta, respecto de los bienes muebles corporales y para los títulos representativos de créditos de cualquier clase, el lugar de su situación ordinaria o normal.

Chapter XII. Emancipation and majority

ARTICLE 101

The rules applicable to emancipation and majority are the ones established by the personal legislation of the interested persons.

ARTICLE 102

However, the local legislation may be declared applicable to majority as a requisite for electing the nationality of said legislation.

Chapter XIII. Civil registry

ARTICLE 103

Provisions relating to the civil registry are territorial, except in respect to the register kept by consular or diplomatic agents. The stipulations of this article do not affect the rights of another state in legal relations under international public law.

ARTICLE 104

A literal and formal certificate of each inscription relating to a national of any of the contracting states, made in the civil registry of another, shall be sent gratuitously and through diplomatic channels to the country of the interested person.

TITLE II

PROPERTY

Chapter I.—Classification of property

ARTICLE 105

All property of whatever description, is subject to the law of the place where it is situated.

ARTICLE 106

For the purposes of the preceding article, as regards personal property of a corporal nature, and of all titles representative of debts of any kind, account shall be taken of the place of their ordinary or normal situation.

Artículo 107

La situación de los créditos se determina por el lugar en que deben hacerse efectivos, y, si no estuviere precisado, por el domicilio del deudor.

Artículo 108

La propiedad industrial, la intelectual y los demás derechos análogos de naturaleza económica que autorizan el ejercicio de ciertas actividades acordadas por la ley, se consideran situados donde se hayan registrado oficialmente.

Artículo 109

Las concesiones se reputan situadas donde se hayan obtenido legalmente.

Artículo 110

A falta de toda otra regla y además para los casos no previstos en este código, se entenderá que los bienes muebles de toda clase están situados en el domicilio de su propietario, o, en su defecto, en el del tenedor.

Artículo 111

Se exceptúan de lo dispuesto en el artículo anterior las cosas dadas en prenda, que se consideran situadas en el domicilio de la persona en cuya posesión se hayan puesto.

Artículo 112

Se aplicará siempre la ley territorial para distinguir entre los bienes muebles e inmuebles, sin perjuicio de los derechos adquiridos por terceros.

Artículo 113

A la propia ley territorial se sujetan las demás clasificaciones y calificaciones jurídicas de los bienes.

Capítulo II. De la propiedad

Artículo 114

La propiedad de familia inalienable y exenta de gravámenes y embargos, se regula por la ley de la situación.

Sin embargo, los nacionales de un estado contratante en que no se admita o regule esa clase de propiedad, no podrán tenerla u organizarla en otro, sino en cuanto no perjudique a sus herederos forzosos.

Article 107

The situation of debts is determined by the place in which they should be paid, and, if that is not fixed, by the domicile of the debtor.

Article 108

Industrial property, copyrights, and all other similar rights of an economic nature which authorize the exercise of certain activities granted by law, are considered to be situated where they have been formally registered.

Article 109

Concessions are deemed to be situated where they have been legally acquired.

Article 110

In the absence of any other rule and also in the cases not provided for in this code, it shall be understood that personal property of every kind is situated in the domicile of its owner, or if he be absent, in that of the property holder.

Article 111

From the provision of the preceding article are excepted things given as pledge, which are considered as situated in the domicile of the person in whose possession they have been placed.

Article 112

The territorial law shall be always applied for the purpose of distinguishing between personal and real property, without prejudice to rights acquired by third parties.

Article 113

The other legal classifications and qualifications of property are subject to the same territorial law.

Chapter II. Possession

Article 114

Inalienable family property exempt from encumbrances and attachments is governed by the law of the place.

However, the nationals of a contracting state in which that kind of property is not admitted or regulated shall not be able to hold it or organize it in another, except in so far as it does not injure their necessary heirs.

ARTÍCULO 115

La propiedad intelectual y la industrial se regirán por lo establecido en los convenios internacionales especiales ahora existentes o que en lo sucesivo se acuerden.

A falta de ellos, su obtención, registro y disfrute quedarán sometidos al derecho local que las otorgue.

ARTÍCULO 116

Cada estado contratante tiene la facultad de someter a reglas especiales respecto de los extranjeros la propiedad minera, la de buques de pesca y cabotaje, las industrias en el mar territorial y en la zona marítima y la obtención y disfrute de concesiones y obras de utilidad pública y de servicio público.

ARTÍCULO 117

Las reglas generales sobre propiedad y modos de adquirirla o enajenarla entre vivos, incluso las aplicables al tesoro oculto, así como las que rigen las aguas de dominio público y privado y sus aprovechamientos, son de orden público internacional.

Capítulo III. De la comunidad de bienes

ARTÍCULO 118

La comunidad de bienes se rige en general por el acuerdo o voluntad de las partes y en su defecto por la ley del lugar. Este último se tendrá como domicilio de la comunidad a falta de pacto en contrario.

ARTÍCULO 119

Se aplicará siempre la ley local, con carácter exclusivo, al derecho de pedir la división de la cosa común y a las formas y condiciones de su ejercicio.

ARTÍCULO 120

Son de orden público internacional las disposiciones sobre deslinde y amojonamiento y derecho a cerrar las fincas rústicas y las relativas a edificios ruinosos y árboles que amenacen caerse.

ARTICLE 115

Copyrights and industrial property shall be governed by the provisions of the special international conventions at present in force or concluded in the future.

In the absence thereof, their acquisition, registration, and enjoyment shall remain subject to the local law which grants them.

ARTICLE 116

Each contracting state has the power to subject to special rules as respects foreigners, property in mines, in fishing and coasting vessels, in industries in territorial waters and in the maritime zone, and the acquisition and enjoyment of concessions and works of public utility and public service.

ARTICLE 117

The general rules relating to property and the manner of acquiring it or alienating it *inter vivos*, including those applicable to treasure trove, as well as those governing the waters of public and private domain and the use thereof, are of an international public order.

Chapter III. Community of property

ARTICLE 118

The community of property is governed in general by the agreement or will of the parties and in the absence thereof by the law of the place. Its place shall be the domicile of the community in the absence of an agreement to the contrary.

ARTICLE 119

The local law shall be always applied, exclusively, to the right of requesting a division of the thing held in common and to the forms and conditions of its exercise.

ARTICLE 120

Provisions relative to surveying and marking and the right to inclose rural properties, as well as those relating to ruined buildings and trees threatening to fall, are of an international public order.

Capítulo IV. De la posesión

ARTÍCULO 121

La posesión y sus efectos se rigen por la ley local.

ARTÍCULO 122

Los modos de adquirir la posesión se rigen por la ley aplicable a cada uno de ellos según su naturaleza.

ARTÍCULO 123

Se determinan por la ley del tribunal los medios y trámites utilizables para que se mantenga en posesión al poseedor inquietado, perturbado o despojado a virtud de medidas o acuerdos judiciales o por consecuencia de ellos.

Capítulo V. Del usufructo, del uso y de la habitación

ARTÍCULO 124

Cuando el usufructo se constituya por mandato de la ley de un estado contratante, dicha ley lo regirá obligatoriamente.

ARTÍCULO 125

Si se ha constituído por la voluntad de los particulares manifestada en actos entre vivos o *mortis causa*, se aplicarán respectivamente la ley del acto o la de la sucesión.

ARTÍCULO 126

Si surge por prescripción, se sujetará a la ley local que la establezca.

ARTÍCULO 127

Depende de la ley personal del hijo el precepto que releva o no de fianza al padre usufructuario.

ARTÍCULO 128

Se subordina a la ley de la sucesión la necesidad de que preste fianza el cónyuge superviviente por el usufructo hereditario y la obligación del usufructuario de pagar ciertos legados o deudas hereditarios.

Chapter IV. Possession

ARTICLE 121

Possession and its effects are governed by local law.

ARTICLE 122

The modes of acquiring possession are governed by the law applicable to each in accordance with its nature.

ARTICLE 123

The means and procedure to be employed in order to maintain the possession of a holder, disquieted, disturbed, or dispossessed by judicial measures or resolution or in consequence thereof are determined by the law of the court.

Chapter V. Usufruct, use, and habitation

ARTICLE 124

When the usufruct is established by mandate of the law of a contracting state, the said law shall govern it obligatorily.

ARTICLE 125

If it has been established by the will of private persons as manifested in acts *inter vivos* or *mortis causa*, the law of the act or that of the succession shall be respectively applied.

ARTICLE 126

If it springs from prescription, it shall be subject to the local law which establishes it.

ARTICLE 127

The precept which does or does not excuse the usufructuary father from furnishing security depends upon the personal law of the child.

ARTICLE 128

The requiring of security by the surviving spouse for the hereditary usufruct and the obligation of the usufructuary to pay certain legacies or hereditary debts are subordinated to the law of the succession.

Artículo 129

Son de orden público internacional las reglas que definen el usufructo y las formas de su constitución, las que fijan las causas legales por las que se extingue y la que lo limita a cierto número de años para los pueblos, corporaciones o sociedades.

Artículo 130

El uso y la habitación se rigen por la voluntad de la parte o partes que los establezcan.

Capítulo VI. De las servidumbres

Artículo 131

Se aplicará el derecho local al concepto y clasificación de las servidumbres, a los modos no convencionales de adquirirlas y de extinguirse y a los derechos y obligaciones en este caso de los propietarios de los predios dominante y sirviente.

Artículo 132

Las servidumbres de origen contractual o voluntario se someten a la ley del acto o relación jurídica que las origina.

Artículo 133

Se exceptúan de lo dispuesto en el artículo anterior la comunidad de pastos en terrenos públicos y la redención del aprovechamiento de leñas y demás productos de los montes de propiedad particular, que están sujetas a la ley territorial.

Artículo 134

Son de orden privado las reglas aplicables a las servidumbres legales que se imponen en interés o por utilidad particular.

Artículo 135

Debe aplicarse el derecho territorial al concepto y enumeración de las servidumbres legales y a la regulación no convencional de las de aguas, paso, medianería, luces y vistas, desagüe de edificios, y distancias y obras intermedias para construcciones y plantaciones.

Article 129

The rules defining the usufruct and the forms of its establishment, those fixing the legal causes which extinguish it, and that which limits it to a certain number of years for peoples, corporations, or partnerships are of an international public order.

Article 130

Use and habitation are governed by the will of the party or parties who establish them.

Chapter VI. Servitudes

Article 131

The local law shall be applied to the concept and classification of servitudes, to the non-contractual ways of acquiring them and extinguishing them, and to the rights and obligations in this case of the owners of the dominant and servient lands.

Article 132

The servitudes of a contractual or voluntary origin are subject to the law of the instrument or juridical relationship which creates them.

Article 133

From the provision of the preceding article are excepted community of pasturage on public lands and the redemption of the use of wood and all other products of the mountains of private ownership which are subject to the territorial law.

Article 134

The rules applicable to legal servitudes imposed in the interest or for the use of private persons are of a private order.

Article 135

Territorial law should be applied to the concept and enumeration of legal servitudes and to the non-conventional regulation of those relating to waters, passage, party walls, light and prospect, drainage of buildings, and distances and intermediate works for constructions and plantations.

Capítulo VII. De los registros de la propiedad

ARTÍCULO 136

Son de orden público internacional las disposiciones que establecen y regulan los registros de la propiedad, e imponen su necesidad respecto de terceros.

ARTÍCULO 137

Se inscribirán en los registros de la propiedad de cada uno de los estados contratantes los documentos o títulos inscribibles otorgados en otro, que tengan fuerza en el primero con arreglo a este código, y las ejecutorias a que de acuerdo con el mismo se dé cumplimiento en el estado a que el registro corresponde, o tengan en él fuerza de cosa juzgada.

ARTÍCULO 138

Las disposiciones sobre hipoteca legal a favor del estado, de las provincias o de los pueblos, son de orden público internacional.

ARTÍCULO 139

La hipoteca legal que algunas leyes acuerdan en beneficio de ciertas personas individuales, sólo será exigible cuando la ley personal concuerde con la ley del lugar en que se hallen situados los bienes afectados por ella.

TITULO TERCERO

DE VARIOS MODOS DE ADQUIRIR

Capítulo I. Regla general

ARTÍCULO 140

Se aplica el derecho local a los modos de adquirir respecto de los cuales no haya en este código disposiciones en contrario.

Capítulo II. De las donaciones

ARTÍCULO 141

Cuando fueren de origen contractual, las donaciones quedarán sometidas, para su perfección y efectos entre vivos, a las reglas generales de los contratos.

ARTÍCULO 142

Se sujetará a la ley personal respectiva del donante y del donatario la capacidad de cada uno de ellos.

Chapter VII. Registries of property

ARTICLE 136

Provisions establishing and regulating them and imposing them as necessary as regards third persons are of an international public order.

ARTICLE 137

There shall be recorded in the registries of property of each of the contracting states the recordable documents or titles executed in another and having valid force in the former in accordance with this code, and executory judgments which under this code are given effect in the state to which the registry belongs, or which have in it the force of *res adjudicata.*

ARTICLE 138

Provisions relating to legal mortgages in favor of the state, provinces, or towns are of an international public order.

ARTICLE 139

The legal lien which some laws concede in benefit of certain individual persons, shall be enforceable only when the personal law agrees with the law of the place in which the property thereby affected is situated.

TITLE III

VARIOUS MODES OF ACQUISITION

Chapter I. General rule

ARTICLE 140

The local law is applied to the modes of acquisition regarding which there are no provisions to the contrary in this code.

Chapter II. Gifts

ARTICLE 141

Whenever they are of contractual origin they shall remain subject for their perfection and effects *inter vivos* to the general rules of contracts.

ARTICLE 142

The capacity of both the donor and donee shall be subject to the respective personal law of each of them.

ARTÍCULO 143

Las donaciones que hayan de producir efecto por muerte del donante, participarán de la naturaleza de las disposiciones de última voluntad y se regirán por las reglas internacionales establecidas en este código para la sucesión testamentaria.

Capítulo III. De las sucesiones en general

ARTÍCULO 144

Las sucesiones intestadas y las testamentarias, incluso en cuanto al orden de suceder, a la cuantía de los derechos sucesorios y a la validez intrínseca de las disposiciones, se regirán, salvo los casos de excepción más adelante establecidos, por la ley personal del causante, sea cual fuere la naturaleza de los bienes y el lugar en que se encuentren.

ARTÍCULO 145

Es de orden público internacional el precepto en cuya virtud los derechos a la sucesión de una persona se trasmiten desde el momento de su muerte.

Capítulo IV. De los testamentos

ARTÍCULO 146

La capacidad para disponer por testamento se regula por la ley personal del testador.

ARTÍCULO 147

Se aplicará la ley territorial a las reglas establecidas por cada estado para comprobar que el testador demente está en un intervalo lúcido.

ARTÍCULO 148

Son de orden público internacional las disposiciones que no admiten el testamento mancomunado, el ológrafo y el verbal, y las que lo declaran acto personalísimo.

ARTÍCULO 149

También son de orden público internacional las reglas sobre forma de papeles privados relativos al testamento y sobre nulidad del otorgado con violencia, dolo o fraude.

ARTICLE 143

Gifts which are to take effect on the death of the donor shall partake of the nature of testamentary provisions and shall be governed by the international rules established in this code for testamentary succession.

Chapter III. Successions in general

ARTICLE 144

Successions, both intestate and testamentary, including the order of descent, the quantum of the rights of descent and the intrinsic validity of the provisions, shall be governed, except as hereinafter provided, by the personal law of the person from whom the rights are derived, whatever may be the nature of the estate and the place where it is found.

ARTICLE 145

The precept by which the rights to the estate of a person are transmitted from the moment of his death is of an international public order.

Chapter IV. Wills

ARTICLE 146

The capacity to devise by will is regulated by the personal law of the testator.

ARTICLE 147

The territorial law shall be applied to the rules established by each state for the purpose of showing that an insane testator acted in a lucid interval.

ARTICLE 148

Provisions forbidding a joint or a holographic or a nuncupative will, and those which declare it to be a purely personal act are of an international public order.

ARTICLE 149

Rules relating to the form of private papers relating to wills and concerning the nullity of a will made under duress of force, deceit, or fraud, are also of an international public order.

ARTÍCULO 150

Los preceptos sobre forma de los testamentos son de orden público internacional, con excepción de los relativos al testamento otorgado en el extranjero, y al militar y marítimo en los casos en que se otorgue fuera del país.

ARTÍCULO 151

Se sujetan a la ley personal del testador la procedencia, condiciones y efectos de la revocación de un testamento, pero la presunción de haberlo revocado se determina por la ley local.

Capítulo V. De la herencia

ARTÍCULO 152

La capacidad para suceder por testamento o sin él se regula por la ley personal del heredero o legatario.

ARTÍCULO 153

No obstante lo dispuesto en el artículo precedente, son de orden público internacional las incapacidades para suceder que los estados contratantes consideren como tales.

ARTÍCULO 154

La institución de herederos y la sustitución se ajustarán a la ley personal del testador.

ARTÍCULO 155

Se aplicará, no obstante, el derecho local a la prohibición de sustituciones fideicomisarias que pasen del segundo grado o que se hagan a favor de personas que no vivan al fallecimiento del testador y de las que envuelvan prohibición perpetua de enajenar.

ARTÍCULO 156

El nombramiento y las facultades de los albaceas o ejecutores testamentarios, dependen de la ley personal del difunto y deben ser reconocidos en cada uno de los estados contratantes de acuerdo con esa ley.

ARTÍCULO 157

En la sucesión intestada, cuando la ley llame al estado como heredero, en defecto de otros, se aplicará la ley

ARTICLE 150

The rules on the form of wills are of an international public order, except those concerning a will made in a foreign country, and military and maritime wills, when made abroad.

ARTICLE 151

The procedure, conditions, and effects of the revocation of a will are subject to the personal law of the testator, but the presumption of revocation is determined by the local law.

Chapter V. Inheritance

ARTICLE 152

The capacity to inherit by will or without it is regulated by the personal law of the heir or legatee.

ARTICLE 153

Notwithstanding the provision of the preceding article, the incapacities to inherit which contracting states consider as such, are of an international public order.

ARTICLE 154

The appointment and substitution of heirs shall be according to the personal law of the testator.

ARTICLE 155

The local law shall, nevertheless, be applied to the prohibition of fideicommissary substitutions beyond the second degree, or those made in favor of persons not living at the time of the death of the testator, and of those involving a perpetual prohibition against alienation.

ARTICLE 156

The appointment and powers of testamentary executors depend upon the personal law of the deceased and should be recognized in each one of the contracting states in accordance with that law.

ARTICLE 157

In case of intestate estates, in which the law designates the state as heir, in the absence of others, the personal law

personal del causante; pero si lo llama como ocupante de cosas *nullius* se aplica el derecho local.

ARTÍCULO 158

Las precauciones que deben adoptarse cuando la viuda quede en cinta, se ajustarán a lo dispuesto en la legislación del lugar en que se encuentre.

ARTÍCULO 159

Las formalidades requeridas para aceptar la herencia a beneficio de inventario o para hacer uso del derecho de deliberar se ajustarán a la ley del lugar en que la sucesión se abra, bastando eso para sus efectos extraterritoriales

ARTÍCULO 160

Es de orden público internacional el precepto que se refiera a la proindivisión ilimitada de la herencia o establezca la partición provisional.

ARTÍCULO 161

La capacidad para solicitar y llevar a cabo la división se sujeta a la ley personal del heredero.

ARTÍCULO 162

El nombramiento y las facultades del contador o perito partidor dependen de la ley personal del causante.

ARTÍCULO 163

A la misma ley se subordina el pago de las deudas hereditarias. Sin embargo, los acreedores que tuvieren garantía de carácter real, podrán hacerla efectiva de acuerdo con la ley que rija esa garantía.

TITULO CUARTO

DE LAS OBLIGACIONES Y CONTRATOS

Capitulo I. De las obligaciones en general

ARTÍCULO 164

El concepto y clasificación de las obligaciones se sujetan a la ley territorial.

of the person from which the right is derived shall be applied; but if it is designated as occupant of *res nullius* the local law shall be applied.

ARTICLE 158

The precautions which are to be taken when the widow is pregnant shall be in accordance with the provisions of the legislation of the place where she happens to be.

ARTICLE 159

The formalities required in order to accept the inheritance with benefit of inventory or for the purpose of using the right of deliberating shall be subject to the law of the place where the succession is opened; and this is sufficient to produce their extraterritorial effects.

ARTICLE 160

The rule referring to the unlimited undivided preservation of the inheritance or establishing a provisional partition, is of an international public order.

ARTICLE 161

The capacity to solicit and carry into effect a division is subject to the personal law of the heir.

ARTICLE 162

The appointment and powers of the auditor or partitioner depend upon the personal law of the person from whom the title is derived.

ARTICLE 163

The payment of hereditary debts is subordinated to the same law. However, the creditors who have security of a real nature may realize on it in accordance with the law controlling said security.

TITLE IV

OBLIGATIONS AND CONTRACTS

Chapter I. Obligations in general

ARTICLE 164

The concept and classification of obligations are subject to the territorial law.

ARTÍCULO 165

Las obligaciones derivadas de la ley se rigen por el derecho que las haya establecido.

ARTÍCULO 166

Las obligaciones que nacen de los contratos tienen fuerza de ley entre las partes contratantes y deben cumplirse al tenor de los mismos, salvo las limitaciones establecidas en este código.

ARTÍCULO 167

Las originadas por delitos o faltas se sujetan al mismo derecho que el delito o falta de que procedan.

ARTÍCULO 168

Las que se deriven de actos u omisiones en que intervenga culpa o negligencia no penadas por la ley, se regirán por el derecho del lugar en que se hubiere incurrido en la negligencia o la culpa que las origine.

ARTÍCULO 169

La naturaleza y efectos de las diversas clases de obligaciones, así como su extinción, se rigen por la ley de la obligación de que se trata.

ARTÍCULO 170

No obstante lo dispuesto en el artículo anterior, la ley local regula las condiciones del pago y la moneda en que debe hacerse.

ARTÍCULO 171

También se somete a la ley del lugar la determinación de quién debe satisfacer los gastos judiciales que origine el pago, así como su regulación.

ARTÍCULO 172

La prueba de las obligaciones se sujeta, en cuanto a su admisión y eficacia, a la ley que rija la obligación misma.

ARTÍCULO 173

La impugnación de la certeza del lugar del otorgamiento de un documento privado, si influye en su eficacia, podrá hacerse siempre por el tercero a quien perjudique, y la prueba estará a cargo de quien la aduzca.

ARTICLE 165

Obligations arising from the operation of law are governed by the law which has created them.

ARTICLE 166

Those obligations arising from contracts have force of law as between the contracting parties and should be discharged in accordance with the terms thereof with the exception of the limitations established by this code.

ARTICLE 167

Those arising from crimes or offenses are subject to the same law as the crime or offense from which they arise.

ARTICLE 168

Those arising from actions or omissions involving guilt or negligence not punishable by law shall be governed by the law of the place in which the negligence or guilt giving rise to them was incurred.

ARTICLE 169

The nature and effect of the various classes of obligations, as well as the extinction thereof, are governed by the law of the obligation in question.

ARTICLE 170

Notwithstanding the provisions of the preceding article, the local law regulates the conditions of payment and the money in which payment shall be made.

ARTICLE 171

The law of the place also determines who is to cover the judicial costs for enforcing payment and regulates them.

ARTICLE 172

The evidence relative to obligations is subject, so far as its admission and value is concerned, to the law governing the obligation itself.

ARTICLE 173

Objection to the certainty of the place where a private instrument was executed, if having any bearing on its validity, may be made at any time by a third party prejudiced thereby, and the burden of proof shall be on him who makes it.

ARTÍCULO 174

La presunción de cosa juzgada por sentencia extranjera será admisible, siempre que la sentencia reúna las condiciones necesarias para su ejecución en el territorio, conforme al presente código.

Capítulo II. De los contratos en general

ARTÍCULO 175

Son reglas de orden público internacional las que impiden establecer pactos, cláusulas y condiciones contrarias a las leyes, la moral y el orden público y la que prohibe el juramento y lo tiene por no puesto.

ARTÍCULO 176

Dependen de la ley personal de cada contratante las reglas que determinen la capacidad o incapacidad para prestar el consentimiento.

ARTÍCULO 177

Se aplicará la ley territorial al error, la violencia, la intimidación y el dolo, en relación con el consentimiento.

ARTÍCULO 178

Es también territorial toda regla que prohibe que sean objeto de los contratos, servicios contrarios a las leyes y a las buenas costumbres y cosas que estén fuera del comercio.

ARTÍCULO 179

Son de orden público internacional las disposiciones que se refieren a causa ilícita en los contratos.

ARTÍCULO 180

Se aplicarán simultáneamente la ley del lugar del contrato y la de su ejecución, a la necesidad de otorgar escritura o documento público para la eficacia de determinados convenios y a la de hacerlos constar por escrito.

ARTÍCULO 181

La rescisión de los contratos por incapacidad o ausencia, se determina por la ley personal del ausente o incapacitado.

ARTICLE 174

The presumption of *res judicata* by a foreign judgment shall be admissible whenever the judgment fulfils the necessary requirements for its execution within the territory, in conformity with the present code.

Chapter II. Contracts in general

ARTICLE 175

The rules which prevent the conclusion of contracts, clauses, and conditions in conflict with the law, morality, and public policy, and the one which forbids the taking of an oath and regards the latter as void, are of an international public order.

ARTICLE 176

The rules which determine the capacity or incapacity to give consent depend upon the personal law of each contracting party.

ARTICLE 177

The territorial law shall be applied to mistake, violence, intimidation, and fraud, in connection with consent.

ARTICLE 178

Every rule which prohibits as the subject matter of contracts, services contrary to law and good morals and things placed outside the field of trade, is also territorial.

ARTICLE 179

Provisions which refer to unlawful matters in contracts are of an international public order.

ARTICLE 180

The law of the place of the contract and that of its execution shall be applied simultaneously to the necessity of executing a public indenture or document for the purpose of giving effect to certain agreements and to that of reducing them to writing.

ARTICLE 181

The rescission of contracts by reason of incapacity or absence is determined by the personal law of the absentee or incapacitated person.

Artículo 182

Las demás causas de rescisión y su forma y efectos se subordinan a la ley territorial.

Artículo 183

Las disposiciones sobre nulidad de los contratos se sujetarán a la ley de que la causa de la nulidad dependa.

Artículo 184

La interpretación de los contratos debe efectuarse, como regla general, de acuerdo con la ley que los rija.

Sin embargo, cuando esa ley se discuta y deba resultar de la voluntad tácita de las partes, se aplicará presuntamente la legislación que para ese caso se determina en los artículos 186 y 187, aunque eso lleve a aplicar al contrato una ley distinta como resultado de la interpretación de voluntad.

Artículo 185

Fuera de las reglas ya establecidas y de las que en lo adelante se consignen para casos especiales, en los contratos de adhesión se presume aceptada, a falta de voluntad expresa o tácita, la ley del que los ofrece o prepara.

Artículo 186

En los demás contratos y para el caso previsto en el artículo anterior, se aplicará en primer término la ley personal común a los contratantes y en su defecto la del lugar de la celebración.

Capítulo III. Del contrato sobre bienes con ocasión de matrimonio

Artículo 187

Este contrato se rige por la ley personal común de los contrayentes y en su defecto por la del primer domicilio matrimonial.

Las propias leyes determinan, por ese orden, el régimen legal supletorio a falta de estipulación.

Article 182

The other causes of rescission and the form and effects thereof are subordinated to the territorial law.

Article 183

Provisions relating to the nullity of contracts shall be subject to the law upon which the cause of nullity depends.

Article 184

The interpretation of contracts should be effected, as a general rule, in accordance with the law by which they are governed.

However, when that law is in dispute and should appear from the implied will of the parties, the legislation provided for in that case in Articles 186 and 187 shall be presumptively applied, although it may result in applying to the contract a different law as a consequence of the interpretation of the will of the parties.

Article 185

Aside from the rules already established and those which may be hereafter laid down for special cases, in contracts of accession, the law of the one proposing or preparing them is presumed to be accepted, in the absence of an expressed or implied consent.

Article 186

In all other contracts and in the case provided for in the preceding article, the personal law common to the contracting parties shall be first applied, and in the absence of such law there shall be applied that of the place where the contract was concluded.

Chapter III. Contracts relating to property in respect to marriage

Article 187

This contract is governed by the personal law common to the parties, and in the absence thereof, by that of the first matrimonial domicile.

The same laws determine, in that order, the supplemental legal control in the absence of stipulation.

ARTÍCULO 188

Es de orden público internacional el precepto que veda celebrar capitulaciones durante el matrimonio, o modificarlas, o que se altere el régimen de bienes por cambios de nacionalidad o de domicilio posteriores al mismo.

ARTÍCULO 189

Tienen igual carácter los preceptos que se refieren al mantenimiento de las leyes y las buenas costumbres, a los efectos de las capitulaciones respecto de terceros y a su forma solemne.

ARTÍCULO 190

La voluntad de las partes regula el derecho aplicable a las donaciones por razón de matrimonio, excepto en lo referente a su capacidad, a la salvaguardia de derechos legitimarios y a la nulidad mientras el matrimonio subsista, todo lo cual se subordina a la ley general que lo rige, y siempre que no afecte el orden público internacional.

ARTÍCULO 191

Las disposiciones sobre dote y parafernales depende de la ley personal de la mujer.

ARTÍCULO 192

Es de orden público internacional la regla que repudia la inalienabilidad de la dote.

ARTÍCULO 193

Es de orden público internacional la prohibición de renunciar a la sociedad de gananciales durante el matrimonio.

Capítulo IV. Compra-venta, cesión de credito y permuta

ARTÍCULO 194

Son de orden público internacional las disposiciones relativas a enajenación forzosa por utilidad pública.

ARTÍCULO 195

Lo mismo sucede con las que fijan los efectos de la posesión y de la inscripción entre varios adquirentes, y las referentes al retracto legal.

ARTICLE 188

The precept which forbids the making of marriage settlements during wedlock or modification of same, or which alters the control of property by changes of nationality or of domicile after marriage are of an international public order.

ARTICLE 189

Those relating to the enforcement of laws and good morals, to the effects of marriage settlements affecting third parties, and to the solemn form thereo are of the same character.

ARTICLE 190

The will of the parties regulates the law applicable to gifts by reason o marriage, except in respect to their capacity, to the safeguard of lawfu rights of heirship, and to the nullity thereof during wedlock, all of which is subordinated to the general law governing marriage as long as it does not affect international public order.

ARTICLE 191

Provisions regarding dowry and paraphernalia depend on the personal law of the wife.

ARTICLE 192

The rule which repudiates the inalienableness of dowries is of an international public order.

ARTICLE 193

A prohibition against renouncing the conjugal partnership during marriage is of an international public order.

Chapter IV. Sale, assignment, and exchange

ARTICLE 194

Provisions relating to compulsory alienation for purposes of public utility are of an international public order.

ARTICLE 195

It is the same with provisions fixing the effects of possession and registration among various acquirers and those referring to the right of legal redemption.

Capítulo V. Arrendamiento

ARTÍCULO 196

En el arrendamiento de cosas, debe aplicarse la ley territorial a las medidas para dejar a salvo el interés de terceros y a los derechos y deberes del comprador de finca arrendada.

ARTÍCULO 197

Es de orden público internacional, en el arrendamiento de servicios, la regla que impide concertarlos para toda la vida o por más de cierto tiempo.

ARTÍCULO 198

También es territorial la legislación sobre accidentes del trabajo y protección social del trabajador.

ARTÍCULO 199

Son territoriales, en los transportes por agua, tierra y aire, las leyes y reglamentos locales especiales.

Capítulo VI. Censos

ARTÍCULO 200

Se aplica la ley territorial a la determinación del concepto y clases de los censos, a su carácter redimible, a su prescripción, y a la acción real que de ellos se deriva.

ARTÍCULO 201

Para el censo enfitéutico son asimismo territoriales las disposiciones que fijan sus condiciones y formalidades, que imponen un reconocimiento cada cierto número de años y que prohiben la subenfiteusis.

ARTÍCULO 202

En el censo consignativo, es de orden público internacional la regla que prohibe que el pago en frutos pueda consistir en una parte alícuota de los que produzca la finca acensuada.

ARTÍCULO 203

Tiene el mismo carácter en el censo reservativo la exigencia de que se valorice la finca acensuada.

Chapter V. Leases

ARTICLE 196

In respect to leases of things, the territorial law should be applied to such measures as are intended to protect the interest of third parties and the rights and duties of the purchaser of leased real estate.

ARTICLE 197

In so far as the contract for services is concerned, the rule which prevents the making of such contracts for life or for more than a certain time, is of an international public order.

ARTICLE 198

Legislation relating to accidents of labor and social protection of the laborer is also territorial.

ARTICLE 199

Special and local laws and regulations are territorial as regards carriers by water, land, and air.

Chapter VI. Annuities

ARTICLE 200

The territorial law is applied to the determination of the concept and classes of annuities, the redeemable character and prescription thereof, and the real action arising therefrom.

ARTICLE 201

In respect to emphyteutic annuities (*censos enfitéuticos*), provisions fixing the conditions and formalities thereof, prescribing an acknowledgment every certain number of years and forbidding subemphyteusis, are also territorial.

ARTICLE 202

In case of transferable annuities (*censos consignativos*), the rule forbidding that payment in fruits may consist of an aliquot part of the products of the land subject to the annuity is of an international public order.

ARTICLE 203

The same is the character of the demand that the land subject to the annuity be appraised, in the case of reservative annuities.

Capítulo VII. Sociedad

ARTÍCULO 204

Son leyes territoriales las que exigen un objeto lícito, formas solemnes, e inventario cuando hay inmuebles.

Capítulo VIII. Préstamo

ARTÍCULO 205

Se aplica la ley local a la necesidad del pacto expreso de intereses y a su tasa.

Capítulo IX. Depósito

ARTÍCULO 206

Son territoriales las disposiciones referentes al depósito necesario y al secuestro.

Capítulo X. Contratos aleatorios

ARTÍCULO 207

Los efectos de la capacidad en acciones nacidas del contrato de juego, se determinan por la ley personal del interesado.

ARTÍCULO 208

La ley local define los contratos de suerte y determina el juego y la apuesta permitidos o prohibidos.

ARTÍCULO 209

Es territorial la disposición que declara nula la renta vitalicia sobre la vida de una persona, muerta a la fecha del otorgamiento, o dentro de un plazo si se halla padeciendo de enfermedad incurable.

Capítulo XI. Transacciones y compromisos

ARTÍCULO 210

Son territoriales las disposiciones que prohiben transigir o sujetar a compromiso determinadas materias.

ARTÍCULO 211

La extensión y efectos del compromiso y la autoridad de cosa juzgada de la transacción, dependen también de la ley territorial.

Chapter VII. Partnership

ARTICLE 204

Laws requiring a lawful object, solemn forms, and an inventory when there is real estate, are territorial.

Chapter VIII. Loans

ARTICLE 205

Local law is applied to the necessity of an express agreement for interest and the rate thereof.

Chapter IX. Bailment

ARTICLE 206

Provisions relating to necessary bailments and attachments are territorial.

Chapter X. Aleatory contracts

ARTICLE 207

The effects of capacity in actions arising out of gambling contracts are determined by the personal law of the interested party.

ARTICLE 208

The local law defines lottery contracts and determines the games of chance and the betting which are permitted or forbidden.

ARTICLE 209

A provision which declares null and void an annuity constituted on the life of a person deceased at the time of its creation, or at a time when he was suffering from an incurable disease, is territorial.

Chapter XI. Compromise and arbitration

ARTICLE 210

Provisions forbidding compromise or arbitration of certain matters are territorial.

ARTICLE 211

The extent and effects of the arbitration and the authority of *res judicata* of the compromise also depend upon t h territorial law.

Capítulo XII. De la fianza

ARTÍCULO 212

Es de orden público internacional la regla que prohibe al fiador obligarse a más que el deudor principal.

ARTÍCULO 213

Corresponden a la misma clase las disposiciones relativas a la fianza legal o judicial.

Capítulo XIII. Prenda, hipoteca y anticresis

ARTÍCULO 214

Es territorial la disposición que prohibe al acreedor apropiarse las cosas recibidas en prenda o hipoteca.

ARTÍCULO 215

Lo son también los preceptos que señalan los requisitos esenciales del contrato de prenda, y con ellos debe cumplirse cuando la cosa pignorada se traslade a un lugar donde sean distintos de los exigidos al constituirlo.

ARTÍCULO 216

Igualmente son territoriales las prescripciones en cuya virtud la prenda deba quedar en poder del acreedor o de un tercero, la que requiere para perjudicar a extraños que conste por instrumento público la certeza de la fecha y la que fija el procedimiento para su enajenación.

ARTÍCULO 217

Los reglamentos especiales de los montes de piedad y establecimientos públicos análogos, son obligatorios territorialmente para todas las operaciones que con ellos se realicen.

ARTÍCULO 218

Son territoriales las disposiciones que fijan el objeto, condiciones, requisitos, alcance e inscripción del contrato de hipoteca.

Chapter XII. Security

ARTICLE 212

A rule forbidding the surety to assume a greater liability than that of the principal debtor is of an international public order.

ARTICLE 213

To the same class belong the provisions relating to legal or judicial security.

Chapter XIII. Pledge, mortgage, and antichresis

ARTICLE 214

The provision forbidding the creditor to appropriate to himself the chattels received by him as pledge or mortgage is territorial.

ARTICLE 215

The precepts fixing the essential requirements of the pledge contract are also territorial, and they must be complied with when the thing which is pledged is taken to a place where such requirements are different from those required when the contract was executed.

ARTICLE 216

The provisions by virtue of which the pledge is to remain in the possession of the creditor or of a third party, the one which requires as against strangers that a certain date be expressed in a public instrument, and the one which fixes the procedure for the alienation of the pledge, are also territorial.

ARTICLE 217

The special rules and regulations of pawn shops and analogous public establishments are territorially binding in respect to all transactions made with them.

ARTICLE 218

The provisions fixing the objects, conditions, requisites, extent, and recording of the mortgage contract are territorial.

ARTÍCULO 219

Lo es asimismo la prohibición de que el acreedor adquiera la propiedad del inmueble en la anticresis, por falta de pago de la deuda.

Capìtulo XIV. Cuasi-contratos

ARTÍCULO 220

La gestión de negocios ajenos se regula por la ley del lugar en que se efectúa.

ARTÍCULO 221

El cobro de lo indebido se somete a la ley personal común de las partes y, en su defecto, a la del lugar en que se hizo el pago.

ARTÍCULO 222

Los demás cuasi-contratos se sujetan a la ley que regule la institución jurídica que los origine.

Capítulo XV. Concurrencia y prelación de créditos

ARTÍCULO 223

Si las obligaciones concurrentes no tienen carácter real y están sometidas a una ley común, dicha ley regulará también su prelación.

ARTÍCULO 224

Para las garantías con acción real, se aplicará la ley de la situación de la garantía.

ARTÍCULO 225

Fuera de los casos previstos en los artículos anteriores, debe aplicarse a la prelación de créditos la ley del tribunal que haya de decidirla.

ARTÍCULO 226

Si la cuestión se planteare simultáneamente en tribunales de estados diversos, se resolverá de acuerdo con la ley de aquel que tenga realmente bajo su jurisdicción los bienes o numerario en que haya de hacerse efectiva la prelación.

ARTICLE 219

A prohibition against the creditor acquiring the property of the real estate involved in the antichresis, for default in payment of the debt, is also territorial.

Chapter XIV.—Quasi contracts

ARTICLE 220

The conduct of another's business is regulated by the law of the place in which it is effected.

ARTICLE 221

The collection of that which is not due is subject to the common personal law of the parties and, in the absence thereof, to that of the place in which the payment was made.

ARTICLE 222

The other quasi contracts are subject to the law which regulates the legal institution which gives rise to them.

Chapter XV. Concurrence and preference of debts

ARTICLE 223

When concurrent obligations have no real character and are subject to one and the same law, the latter shall also regulate the preference of said obligations.

ARTICLE 224

In respect to those which are guaranteed by a real action, the law of the place of the guaranty shall apply.

ARTICLE 225

Aside from the cases provided for in the preceding articles, the law of the trial court should be applied to the preference of debts.

ARTICLE 226

When the question is simultaneously presented in more than one court of different states, it shall be determined in accordance with the law of that one which actually has under its jurisdiction the property or money which is to render the preference effective.

Capítulo XVI. Prescripción

ARTÍCULO 227

La prescripción adquisitiva de bienes muebles o inmuebles se rige por la ley del lugar en que estén situados.

ARTÍCULO 228

Si las cosas muebles cambiasen de situación estando en camino de prescribir, se regirá la prescripción por la ley del lugar en que se encuentren al completarse el tiempo que requiera.

ARTÍCULO 229

La prescripción extintiva de acciones personales se rige por la ley a que esté sujeta la obligación que va a extinguirse.

ARTÍCULO 230

La prescripción extintiva de acciones reales se rige por la ley del lugar en que esté situada la cosa a que se refiera.

ARTÍCULO 231

Si en el caso previsto en el artículo anterior se tratase de cosas muebles y hubieren cambiado de lugar durante el plazo de prescripción, se aplicará la ley del lugar en que se encuentren al cumplirse allí el término señalado para prescribir.

LIBRO SEGUNDO

DERECHO MERCANTIL INTERNACIONAL

TITULO PRIMERO

DE LOS COMERCIANTES Y DEL COMERCIO EN GENERAL

Capítulo I. De los comerciantes

ARTÍCULO 232

La capacidad para ejercer el comercio y para intervenir en actos y contratos mercantiles, se regula por la ley personal de cada interesado.

ARTÍCULO 233

A la misma ley personal se subordinan las incapacidades y su habilitación.

Chapter XVI. Prescription

ARTICLE 227

Acquisitive prescription of both real and personal property is governed by the law of the place where they are situated.

ARTICLE 228

If personal property should change situation during the period of prescription, the latter shall be governed by the law of the place where it is at the moment the period required is completed.

ARTICLE 229

Extinctive prescription of personal actions is governed by the law to which the obligation which is to be extinguished is subject.

ARTICLE 230

Extinctive prescription of real actions is governed by the law of the place where the object to which it refers is situated.

ARTICLE 231

If in the case provided for in the preceding article personal property has changed its location during the period of prescription, the law of the place where the property is found at the completion of the time there specified for prescription shall apply.

BOOK II

INTERNATIONAL COMMERCIAL LAW

TITLE I

MERCHANTS AND COMMERCE IN GENERAL

Chapter I. Merchants

ARTICLE 232

The capacity to engage in commerce and to become party to commercial acts and contracts, is regulated by the personal law of each interested person.

ARTICLE 233

To the same personal law are subordinated incapacities and their cessation.

ARTÍCULO 234

La ley del lugar en que el comercio se ejerza debe aplicarse a las medidas de publicidad necesarias para que puedan dedicarse a él, por medio de sus representantes, los incapacitados, o por sí las mujeres casadas.

ARTÍCULO 235

La ley local debe aplicarse a la incompatibilidad para el ejercicio del comercio de los empleados públicos y de los agentes de comercio y corredores.

ARTÍCULO 236

Toda incompatibilidad para el comercio que resulte de leyes o disposiciones especiales en determinado territorio, se regirá por el derecho del mismo.

ARTÍCULO 237

Dicha incompatibilidad en cuanto a los funcionarios diplomáticos y agentes consulares, se apreciará por la ley del estado que los nombra. El país en que residen tiene igualmente el derecho de prohibirles el ejercicio del comercio.

ARTÍCULO 238

El contrato social y en su caso la ley a que esté sujeto se aplica a la prohibición de que los socios colectivos o comanditarios realicen operaciones mercantiles, o cierta clase de ellas, por cuenta propia o de otros.

Capítulo II. De la cualidad de comerciante y de los actos de comercio

ARTÍCULO 239

Para todos los efectos de carácter público, la cualidad de comerciante se determina por la ley del lugar en que se haya realizado el acto o ejercido la industria de que se trate.

ARTÍCULO 240

La forma de los contratos y actos mercantiles se sujeta a la ley territorial.

ARTICLE 234

The law of the place where the business is carried on should be applied in the measures for publicity necessary to the effect that persons incapacitated therefor may engage in it through their representatives, and married women by themselves.

ARTICLE 235

The local law should be applied to the incompatibility to engage in commerce of public servants and of commercial agents and brokers.

ARTICLE 236

Every incompatibility for commerce resulting from laws or special provisions in force in any territory shall be governed by the law of the same.

ARTICLE 237

The said incompatibility, in so far as diplomatic and consular agents are concerned, shall be measured by the law of the state appointing them. The country where they reside has also the right to forbid them to engage in commerce.

ARTICLE 238

The partnership contract or, in an applicable case, the law to which such contract may be subject, is applied to the prohibition against general or silent partners engaging in commercial transactions, or in certain classes of them, on their own account or on that of others.

Chapter II. The quality of merchants and acts of commerce

ARTICLE 239

For all purposes of a public character, the quality of merchants is governed by the law of the place where the act has taken place or where the trade in question has been carried on.

ARTICLE 240

The form of contracts and commercial acts is subject to the territorial law.

Capítulo III. Del registro mercantil

ARTÍCULO 241

Son territoriales las disposiciones relativas a la inscripción en el registro mercantil de los comerciantes y sociedades extranjeras.

ARTÍCULO 242

Tienen el mismo carácter las reglas que señalan el efecto de la inscripción en dicho registro de créditos o derechos de terceros.

Capítulo IV. Lugares y casas de contratación mercantil y cotización oficial de efectos públicos y documentos de crédito al portador

ARTÍCULO 243

Las disposiciones relativas a los lugares y casas de contratación mercantil y cotización oficial de efectos públicos y documentos de crédito al portador, son de orden público internacional.

Capítulo V. Disposiciones generales sobre los contratos de comercio

ARTÍCULO 244

Se aplicarán a los contratos de comercio las reglas generales establecidas para los contratos civiles en el capítulo segundo, título cuarto, libro primero de este código.

ARTÍCULO 245

Los contratos por correspondencia no quedarán perfeccionados sino mediante el cumplimiento de las condiciones que al efecto señale la legislación de todos los contratantes.

ARTÍCULO 246

Son de orden público internacional las disposiciones relativas a contratos ilícitos y a términos de gracia, cortesía u otros análogos.

Chapter III. Commercial registry

ARTICLE 241

Provisions relating to the recording in the commercial registry of foreign merchants and partnerships are territorial.

ARTICLE 242

Rules fixing the effect of recording in said registry the credits or rights of third parties have the same character.

Chapter IV. Places and houses of commercial traffic and official quotation of public securities and commercial paper payable to bearer

ARTICLE 243

Provisions relating to the places and exchanges for the official quotation of public securities and documents payable to bearer are of an international public order.

Chapter V. General provisions relating to commercial contracts

ARTICLE 244

The general rules provided for civil contracts in Chapter II, Title IV, Book I, of this code shall be applied to commercial contracts.

ARTICLE 245

Contracts by correspondence shall be complete only when the conditions prescribed for the purpose by the legislation of all the contracting parties have been duly complied with.

ARTICLE 246

Provisions relating to unlawful contracts and terms of grace, courtesy and others of a similar nature are of an international public order.

TÍTULO SEGUNDO

DE LOS CONTRATOS ESPECIALES DEL COMERCIO

Capítulo I. De las compañías mercantiles

ARTÍCULO 247

El carácter mercantil de una sociedad colectiva o comanditaria se determina por la ley a que esté sometido el contrato social, y en su defecto por la del lugar en que tenga su domicilio comercial.

Si esas leyes no distinguieran entre sociedades mercantiles y civiles, se aplicará el derecho del país en que la cuestión se someta a juicio.

ARTÍCULO 248

El carácter mercantil de una sociedad anónima depende de la ley del contrato social; en su defecto, de la del lugar en que celebre las juntas generales de accionistas y por su falta de la de aquel en que residan normalmente su consejo o junta directiva.

Si esas leyes no distinguieren entre sociedades mercantiles y civiles, tendrá uno u otro carácter según que esté o no inscripta en el registro mercantil del país donde la cuestión haya de juzgarse. A falta de registro mercantil se aplicará el derecho local de este último país.

ARTÍCULO 249

Lo relativo a la constitución y manera de funcionar de las sociedades mercantiles y a la responsabilidad de sus órganos, está sujeto al contrato social y en su caso a la ley que lo rija.

ARTÍCULO 250

La emisión de acciones y obligaciones en un estado contratante, las formas y garantías de publicidad y la responsabilidad de los gestores de agencias y sucursales respecto de terceros, se someten a la ley territorial.

TITLE II

SPECIAL COMMERCIAL CONTRACTS

Chapter I. Commercial companies

ARTICLE 247

The commercial character of a collective or silent partnership is determined by the law to which the articles of partnership are subject, and in the absence thereof, by the law of the place where it has its commercial domicile.

If those laws do not distinguish between commercial and civil societies, the law of the country where the question is submitted to the courts shall be applied.

ARTICLE 248

The commercial character of a corporation depends upon the law provided in the articles of association; in the absence of such provision, upon the law of the place where the general meetings of shareholders are held, and in the absence thereof, the law of the place where its board of directors is normally located.

If the said laws should not distinguish between commercial and civil societies, the said corporation shall have either character according to whether it is or not registered in the commercial registry of the country where the question is to be judicially determined. In the absence of a commercial registry the local law of the latter country shall be applied.

ARTICLE 249

Questions relative to the constitution and manner of operation of commercial societies and the liability of the members thereof are subject to the articles of association or, in an applicable case, to the law governing such articles.

ARTICLE 250

The issue of shares and obligations in one of the contracting states, the forms and guarantees of publicity and the liability of managers of agencies and branch offices in respect to third persons are subject to the territorial law.

Artículo 251

Son también territoriales las leyes que subordinen la sociedad a un régimen especial por razón de sus operaciones.

Artículo 252

Las sociedades mercantiles debidamente constituidas en un estado contratante disfrutarán de la misma personalidad jurídica en los demás, salvo las limitaciones del derecho territorial.

Artículo 253

Son territoriales las disposiciones que se refieran a la creación, funcionamiento y privilegios de los bancos de emisión y descuento, compañías de almacenes generales de depósitos y otras análogas.

Capítulo II. De la comision mercantil

Artículo 254

Son de orden público internacional las prescripciones relativas a la forma de la venta urgente por el comisionista para salvar en lo posible el valor de las cosas en que la comisión consista.

Artículo 255

Las obligaciones del factor se sujetan a la ley del domicilio mercantil del mandante.

Capítulo III. Del depósito y préstamo mercantiles

Artículo 256

Las responsabilidades no civiles del depositario se rigen por la ley del lugar del depósito.

Artículo 257

La tasa o libertad del interés mercantil son de orden público internacional.

Artículo 258

Son territoriales las disposiciones referentes al préstamo con garantía de efectos cotizables, hecho en bolsa, con intervención de agente colegiado o funcionario oficial.

Article 251

Laws subordinating the partnership to a special régime by reason of its transactions are also territorial.

Article 252

Commercial partnerships duly constituted in a contracting state will enjoy the same juristic personality in the other contracting states except for the limitations of territorial law.

Article 253

Provisions referring to the creation, operation and privilege of banks of issue and discount, general warehouse companies, and other similar companies, are territorial.

Chapter II. Commercial commission

Article 254

Provisions relating to the form of an urgent sale by a commission merchant to save as far as possible the value of the articles of the commission are of an international public order.

Article 255

The obligations of the factor are subject to the law of the commercial domicile of the principal.

Chapter III. Commercial deposit and loans

Article 256

The non-civil liabilities of a depositary are governed by the law of the place where the deposit is made.

Article 257

The rate or freedom of commercial interest is of an international public order.

Article 258

Provisions relating to loans upon collateral of quotable securities made in the exchange, through the intervention of a duly authorized broker or official functionary, are territorial.

Capítulo IV. Del transporte terrestre

ARTÍCULO 259

En los casos de transporte internacional no hay más que un contrato, regido por la ley que le corresponda según su naturaleza.

ARTÍCULO 260

Los plazos y formalidades para el ejercicio de acciones surgidas de este contrato y no previstos en el mismo, se rigen por la ley del lugar en que se produzcan los hechos que las originen.

Capítulo V. De los contratos de seguro

ARTÍCULO 261

El contrato de seguro contra incendios se rige por la ley del lugar donde radique, al efectuarlo, la cosa asegurada.

ARTÍCULO 262

Los demás contratos de seguro siguen la regla general, regulándose por la ley personal común de las partes o en su defecto por la del lugar de la celebración; pero las formalidades externas para comprobar hechos u omisiones necesarios al ejercicio o a la conservación de acciones o derechos, se sujetan a la ley del lugar en que se produzca el hecho o la omisión que les hace surgir.

Capítulo VI. Del contrato y letra de cambio y efectos mercantiles análogos

ARTÍCULO 263

La forma del giro, endoso, fianza, intervención, aceptación y protesto de una letra de cambio, se somete a la ley del lugar en que cada uno de dichos actos se realice.

ARTÍCULO 264

A falta de convenio expreso o tácito, las relaciones jurídicas entre el librador y el tomador se rigen por la ley del lugar en que la letra se gira.

Chapter IV. Land transportation

ARTICLE 259

In cases of international transportation there is only one contract, governed by the proper law corresponding to it according to its nature.

ARTICLE 260

Time limits and formalities for the exercise of actions arising out of this contract but not provided for therein are governed by the law of the locality where the facts took place.

Chapter V. Contracts of insurance

ARTICLE 261

The contract of fire insurance is governed by the law of the place where the thing insured is located at the time of its execution.

ARTICLE 262

All other contracts of insurance follow the general rule, being regulated by the personal law common to the parties, or in the absence thereof, by the law of the place where the contract of insurance was executed; but the external formalities for proving facts or omissions necessary to the exercise or preservation of actions or rights are subject to the law of the locality where the act or omission which gives rise to them took place.

Chapter VI. Contracts and bills of exchange and similar commercial instruments

ARTICLE 263

The forms of the order, indorsement, suretyship, intervention for honor, acceptance, and protest of a bill of exchange, are subject to the law of the locality in which each one of those acts takes place.

ARTICLE 264

In the absence of expressed or implied agreement, the legal relations between the drawer and the payee are governed by the law of the place where the bill is drawn.

ARTÍCULO 265

En igual caso, las obligaciones y derechos entre el aceptante y el portador se regulan por la ley del lugar en que se ha efectuado la aceptación.

ARTÍCULO 266

En la misma hipótesis, los efectos jurídicos que el endoso produce entre endosante, y endosatario, dependen de la ley del lugar en que la letra ha sido endosada.

ARTÍCULO 267

La mayor o menor extensión de las obligaciones de cada endosante, no altera los derechos y deberes originarios del librador y el tomador.

ARTÍCULO 268

El aval, en las propias condiciones, se rige por la ley del lugar en que se presta.

ARTÍCULO 269

Los efectos jurídicos de la aceptación por intervención se regulan, a falta de pacto, por la ley del lugar en que el tercero interviene.

ARTÍCULO 270

Los plazos y formalidades para la aceptación, el pago y el protesto, se someten a la ley local.

ARTÍCULO 271

Las reglas de este capítulo son aplicables a las libranzas, vales, pagarés y mandatos o cheques.

Capítulo VII. De la falsedad, robo, hurto o extravío de documentos de crédito y efectos al portador

ARTÍCULO 272

Las disposiciones relativas a la falsedad, robo, hurto o extravío de documentos de crédito y efectos al portador son de orden público internacional.

ARTÍCULO 273

La adopción de las medidas que establezca la ley del lugar en que el hecho se produce, no dispensa a los interesados de tomar cualesquiera otra

ARTICLE 265

Likewise, the obligations and rights existing between the acceptor and the holder are regulated by the law of the place in which the acceptance was made.

ARTICLE 266

In the same hypothesis, the legal effects produced by indorsement between indorser and indorsee depend upon the law of the place where the bill has been indorsed.

ARTICLE 267

The greater or lesser extent of the obligations of each indorser does not alter the original rights and duties of the drawer and the payee.

ARTICLE 268

Guaranty (*aval*), in the same conditions, is governed by the law of the place in which it is furnished.

ARTICLE 269

The legal effects of acceptance by intervention are regulated, in the absence of agreement, by the law of the place in which the third party intervenes.

ARTICLE 270

The time limits and formalities for acceptance, payment, and protest, are subject to the local law.

ARTICLE 271

The rules of this chapter are applicable to local drafts (*libranzas*), duebills, promissory notes, and orders or checks.

Chapter VII. Forgery, robbery, larceny, or loss of public securities and negotiable instruments

ARTICLE 272

Provisions relating to the forgery, robbery, theft or loss of credit documents and bonds payable to bearer, are of an international public order.

ARTICLE 273

The adoption of the measures established by the law of the locality in which the fact takes place does not excuse the interested parties from

que establezca la lev del lugar en que esos documentos y efectos se coticen y la del lugar de su pago.

TITULO TERCERO

DEL COMERCIO MARÍTIMO Y AÉREO

Capítulo I. De los buques y aeronaves

ARTÍCULO 274

La nacionalidad de las naves se prueba por la patente de navegación y la certificación del registro, y tiene el pabellón como signo distintivo aparente.

ARTÍCULO 275

La ley del pabellón rige las formas de publicidad requeridas para la transmisión de la propiedad de una nave.

ARTÍCULO 276

A la ley de la situación debe someterse la facultad de embargar y vender judicialmente una nave, esté o no cargada y despachada.

ARTÍCULO 277

Se regulan por la ley del pabellón los derechos de los acreedores después de la venta de la nave, y la extinción de los mismos.

ARTÍCULO 278

La hipoteca marítima y los privilegios o seguridades de carácter real constituídos de acuerdo con la ley del pabellón, tienen efectos extraterritoriales aun en aquellos países cuya legislación no conozca o regule esa hipoteca o esos privilegios.

ARTÍCULO 279

Se sujetan también a la ley del pabellón los poderes y obligaciones del capitán y la responsabilidad de los propietarios y navieros por sus actos.

ARTÍCULO 280

El reconocimiento del buque, la petición de práctico y la policía sanitaria, dependen de la ley territorial.

taking all other measures established by the law of the place in which those documents and securities are negotiated, and by that of the place of their payment.

TITLE III

MARITIME AND AIR COMMERCE

Chapter I. Ships and aircraft

ARTICLE 274

The nationality of ships is proved by the navigation license and the certificate of registration and has the flag as an apparent distinctive symbol.

ARTICLE 275

The law of the flag governs the forms of publicity required for the transfer of property in a ship.

ARTICLE 276

The power of judicial attachment and sale of a ship, whether or not it is loaded and cleared, should be subject to the law of the place where it is situated.

ARTICLE 277

The rights of the creditors after the sale of the ship, and their extinguishment, are regulated by the law of the flag.

ARTICLE 278

Maritime hypothecation, privileges, and real guaranties, constituted in accordance with the law of the flag, have extraterritorial effect even in those countries the legislation of which does not recognize nor regulate such hypothecation.

ARTICLE 279

The powers and obligations of the master and the liability of the proprietors and ship's husbands for their acts are also subject to the law of the flag.

ARTICLE 280

The recognition of the ship, the request for a pilot, and the sanitary police depend upon the territorial law.

ARTÍCULO 281

Las obligaciones de los oficiales y gente de mar y el orden interno del buque, se sujetan a la ley del pabellón.

ARTÍCULO 282

Las disposiciones precedentes de este capítulo se aplican también a las aeronaves.

ARTÍCULO 283

Son de orden público internacional las reglas sobre nacionalidad de los propietarios de buques y aeronaves y de los navieros, así como de los oficiales y la tripulación.

ARTÍCULO 284

También son de orden público internacional las disposiciones sobre nacionalidad de buques y aeronaves para el comercio fluvial, lacustre y de cabotaje o entre determinados lugares del territorio de los estados contratantes, así como para la pesca y otros aprovechamientos submarinos en el mar territorial.

Capítulo II. De los contratos especiales del comercio marítimo y aéreo

ARTÍCULO 285

El fletamento, si no fuere un contrato de adhesión, se regirá por la ley del lugar de salida de las mercancías.

Los actos de ejecución del contrato se ajustarán a la ley del lugar en que se realicen.

ARTÍCULO 286

Las facultades del capitán para el préstamo a la gruesa se determinan por la ley del pabellón.

ARTÍCULO 287

El contrato de préstamo a la gruesa, salvo pacto en contrario, se sujeta a la ley del lugar en que el préstamo se efectúa.

ARTÍCULO 288

Para determinar si la avería es simple o gruesa y la proporción en que contribuyen a soportarla la nave y el cargamento, se aplica la ley del pabellón.

ARTICLE 281

The obligations of the officers and seamen and the internal order of the vessel are subject to the law of the flag.

ARTICLE 282

The preceding provisions of this chapter are also applicable to aircraft.

ARTICLE 283

The rules on nationality of the proprietors of ships and aircraft and ship's husbands, as well as of officers and crew, are of an international public order.

ARTICLE 284

Provisions relating to the nationality of ships and aircraft for river, lake, and coastwise commerce, or commerce between certain points of the territory of the contracting states, as well as for fishing and other submarine exploitations in the territorial sea, also are of an international public order.

Chapter II. Special contracts of maritime and aerial commerce

ARTICLE 285

The charter party, if not a contract of adhesion, shall be governed by the law of the place of departure of the merchandise.

The acts of execution of the contract shall be subject to the law of the place where they are performed.

ARTICLE 286

The powers of the captain in respect to loans on bottomry bond are determined by the law of the flag.

ARTICLE 287

The contract of a bottomry bond, except as otherwise provided by agreement, is subject to the law of the place in which the loan is made.

ARTICLE 288

In order to determine whether the average is particular or general and the proportion in which the vessel and cargo are to contribute therefor, the law of the flag is applied.

Artículo 289

El abordaje fortuito en aguas territoriales o en el aire nacional, se somete a la ley del pabellón si fuere común.

Artículo 290

En el propio caso, si los pabellones difieren, se aplica la ley del lugar.

Artículo 291

La propia ley local se aplica en todo caso al abordaje culpable en aguas territoriales o aire nacional.

Artículo 292

Al abordaje fortuito o culpable en alta mar o aire libre, se le aplica la ley del pabellón si todos los buques o aeronaves tuvieren el mismo.

Artículo 293

En su defecto, se regulará por el pabellón del buque o aeronave abordados, si el abordaje fuere culpable.

Artículo 294

En los casos de abordaje fortuito en alta mar o aire libre, entre naves o aeronaves de diferente pabellón cada una soportará la mitad de la suma total del daño, repartido según la ley de una de ellas, y la mitad restante repartida según la ley de la otra.

TITULO CUARTO

DE LA PRESCRIPCIÓN

Artículo 295

La prescripción de las acciones nacidas de los contratos y actos mercantiles, se ajustará a las reglas establecidas en este código respecto de las acciones civiles.

LIBRO TERCERO

Derecho Penal Internacional

Capítulo I. De las leyes penales

Artículo 296

Las leyes penales obligan a todos los que residen en el territorio, sin más excepciones que las establecidas en este capítulo.

Article 289

A fortuitous collision in territorial waters or in the national air is subject to the law of the flag if common to colliding vessels.

Article 290

In the same case, if the flags are different, the law of the place is applied.

Article 291

The same local law is in every case applied to wrongful collisions in territorial waters or in the national air.

Article 292

To a fortuitous or wrongful collision in the open sea or air is applied the law of the flag if all the ships or aircraft carry the same one.

Article 293

If that is not the case, the collision shall be regulated by the flag of the ship or aircraft struck if the collision has been wrongful.

Article 294

In the cases of fortuitous collision on the high sea or in the open air between vessels or aircraft of different flags, each shall bear one half of the sum total of the damage apportioned in accordance with the law of one of them, and the other half apportioned in accordance with the law of the other.

TITLE IV

PRESCRIPTION

Article 295

Prescription of actions arising from contracts and commercial acts shall be subject to the rules established in this code in respect to civil actions.

BOOK III

International Penal Law

Chapter I. Penal laws

Article 296

Penal laws are binding on all persons residing in the territory, without other exceptions than those established in this chapter.

ARTÍCULO 297

Están exentos de las leyes penales de cada estado contratante los jefes de los otros estados, que se encuentren en su territorio.

ARTÍCULO 298

Gozan de igual exención los representantes diplomáticos de los estados contratantes en cada uno de los demás, así como sus empleados extranjeros, y las personas de la familia de los primeros, que vivan en su compañía.

ARTÍCULO 299

Tampoco son aplicables las leyes penales de un estado a los delitos cometidos en el perímetro de las operaciones militares, cuando autorice el paso por su territorio de un ejército de otro estado contratante, salvo que no tengan relación legal con dicho ejército.

ARTÍCULO 300

La misma exención se aplica a los delitos cometidos en aguas territoriales o en el aire nacional, a bordo de naves o aeronaves extranjeras de guerra.

ARTÍCULO 301

Lo propio sucede con los delitos cometidos en aguas territoriales o aire nacional en naves o aeronaves mercantes extranjeras, si no tienen relación alguna con el país y sus habitantes ni perturban su tranquilidad.

ARTÍCULO 302

Cuando los actos de que se componga un delito, se realicen en estados contratantes diversos, cada estado puede castigar el acto realizado en su país, si constituye por sí solo un hecho punible.

De lo contrario, se dará preferencia al derecho de la soberanía local en que el delito se haya consumado.

ARTÍCULO 303

Si se trata de delitos conexos en territorios de más de un estado contratante, sólo estará sometido a la ley penal de cada uno el cometido en su territorio.

ARTICLE 297

The head of each of the contracting states is exempt from the penal laws of the others when he is in the territory of the latter.

ARTICLE 298

The diplomatic representatives of the contracting states in each of the others, together with their foreign personnel, and the members of the families of the former who are living in his company enjoy the same exemption.

ARTICLE 299

Nor are the penal laws of the state applicable to offenses committed within the field of military operations when it authorizes the passage of an army of another contracting state through its territory, except offenses not legally connected with said army.

ARTICLE 300

The same exemption is applied to offenses committed on board of foreign war vessels or aircraft while in territorial waters or in the national air.

ARTICLE 301

The same is the case in respect to offenses committed in territorial waters or in the national air, on foreign merchant vessels or aircraft, if they have no relation with the country and its inhabitants and do not disturb its tranquillity.

ARTICLE 302

When the acts of which an offense is composed take place in different contracting states, each state may punish the act committed within its jurisdiction, if it by itself constitutes a punishable act.

In the contrary case, preference shall be given to the right of the local sovereignty where the offense has been committed.

ARTICLE 303

In case of related offenses committed in the territories of more than one contracting state, only the one committed in its own territory shall be subject to the penal law of each.

ARTÍCULO 304

Ningún estado contratante aplicará en su territorio las leyes penales de los demás.

Capítulo II. Delitos cometidos en un estado extranjero contratante

ARTÍCULO 305

Están sujetos en el extranjero a las leyes penales de cada estado contratante, los que cometieren un delito contra la seguridad interna o externa del mismo o contra su crédito público, sea cual fuere la nacionalidad o el domicilo del delincuente.

ARTÍCULO 306

Todo nacional de un estado contratante o todo extranjero domiciliado en él, que cometa en el extranjero un delito contra la independencia de ese estado, queda sujeto a sus leyes penales.

ARTÍCULO 307

También estarán sujetos a las leyes penales del estado extranjero en que puedan ser aprehendidos y juzgados, los que cometan fuera del territorio un delito, como la trata de blancas, que ese estado contratante se haya obligado a reprimir por un acuerdo internacional.

Capítulo III. Delitos cometidos fuera de todo territorio nacional

ARTÍCULO 308

La piratería, la trata de negros y el comercio de esclavos, la trata de blancas, la destrucción o deterioro de cables submarinos y los demás delitos de la misma índole contra el derecho internacional, cometidos en alta mar, en el aire libre o en territorios no organizados aún en estado, se castigarán por el captor de acuerdo con sus leyes penales.

ARTÍCULO 309

En los casos de abordaje culpable en alta mar o en el aire, entre naves o aeronaves de distinto pabellón, se aplicará la ley penal de la víctima.

ARTICLE 304

No contracting state shall apply in its territory the penal laws of the others.

Chapter II. Offenses committed in a foreign contracting state

ARTICLE 305

Those committing an offense against the internal or external security of a contracting state or against its public credit, whatever the nationality or domicile of the delinquent person, are subject in a foreign country to the penal laws of each contracting state.

ARTICLE 306

Every national of a contracting state or every foreigner domiciled therein who commits in a foreign country an offense against the independence of that state remains subject to its penal laws.

ARTICLE 307

Moreover, those persons are subject to the penal laws of the foreign state in which they are apprehended and tried who have committed outside its territory an offense, such as white slavery, which said contracting state has bound itself by an international agreement to repress.

Chapter III. Offenses committed outside the national territory

ARTICLE 308

Piracy, trade in negroes and slave traffic, white slavery, the destruction or injury of submarine cables, and all other offenses of a similar nature against international law committed on the high sea, in the open air, and on territory not yet organized into a state, shall be punished by the captor in accordance with the penal laws of the latter.

ARTICLE 309

In cases of wrongful collision on the high sea or in the air, between ships or aircraft carrying different colors, the penal law of the victim shall be applied.

Capítulo IV. Cuestiones varias

ARTÍCULO 310

Para el concepto legal de la reiteración o de la reincidencia, se tendrá en cuenta la sentencia dictada en un estado extranjero contratante, salvo los casos en que se opusiere la legislación local.

ARTÍCULO 311

La pena de interdicción civil tendrá efecto en los otros estados mediante el cumplimiento previo de las formalidades de registro o publicación que exija la legislación de cada uno de ellos.

ARTÍCULO 312

La prescripción del delito se subordina a la ley del estado a que corresponda su conocimiento.

ARTÍCULO 313

Las prescripción de la pena se rige por la ley del estado que la ha impuesto.

LIBRO CUARTO

DERECHO PROCESAL INTERNACIONAL

TITULO PRIMERO

PRINCIPIOS GENERALES

ARTÍCULO 314

La ley de cada estado contratante determina la competencia de los tribunales, así como su organización, las formas de enjuiciamiento y de ejecución de las sentencias y los recursos contra sus decisiones.

ARTÍCULO 315

Ningún estado contratante organizará o mantendrá en su territorio tribunales especiales para los miembros de los demás estados contratantes.

ARTÍCULO 316

La competencia *ratione loci* se subordina, en el orden de las relaciones internacionales, a la ley del estado contratante que la establece.

Chapter IV. Sundry questions

ARTICLE 310

For the legal concept of reiteration or recidivism will be taken into account the judgment rendered in a foreign contracting state, with the exception of the cases in which same is contrary to local law.

ARTICLE 311

The penalty of civil interdiction shall have effect in each of the other states upon the previous compliance with the formalities of registration or publication which may be required by the legislation of such state.

ARTICLE 312

Prescription of an offense is subordinated to the law of the state having cognizance thereof.

ARTICLE 313

Prescription of the penalty is governed by the law of the state which has imposed it.

BOOK IV

INTERNATIONAL LAW OF PROCEDURE

TITLE I

GENERAL RULES

ARTICLE 314

The law of each contracting state determines the competence of courts, as well as their organization, the forms of procedure and of execution of judgments, and the appeals from their decisions.

ARTICLE 315

No contracting state shall organize or maintain in its territory special tribunals for members of the other contracting states.

ARTICLE 316

Competence *ratione loci* is subordinated, in the order of international relations, to the law of the contracting state which establishes it.

Artículo 317

La competencia *ratione materiae* y *ratione personae*, en el orden de las relaciones internacionales, no debe basarse por los estados contratantes en la condición de nacionales o extranjeras de las personas interesadas, en perjuicio de éstas.

TITULO SEGUNDO

COMPETENCIA

Capítulo I. De las reglas generales de competencia en lo civil y mercantil

Artículo 318

Será en primer término juez competente para conocer de los pleitos a que dé origen el ejercicio de las acciones civiles y mercantiles de toda clase, aquel a quien los litigantes se sometan expresa o tácitamente, siempre que uno de ellos por lo menos sea nacional del estado contratante a que el juez pertenezca o tenga en él su domicilio y salvo el derecho local contrario.

La sumisión no será posible para las acciones reales o mixtas sobre bienes inmuebles, si la prohibe la ley de su situación.

Artículo 319

La sumisión sólo podrá hacerse a juez que ejerza jurisdicción ordinaria y que la tenga para conocer de igual clase de negocios y en el mismo grado.

Artículo 320

En ningún caso podrán las partes someterse expresa o tácitamente para un recurso a juez o tribunal diferente de aquel a quien esté subordinado, según las leyes locales, el que haya conocido en primera instancia.

Artículo 321

Se entenderá por sumisión expresa la hecha por los interesados renunciando clara y terminantemente a su fuero propio y designando con toda precisión el juez a quien se sometan.

Article 317

Competence *ratione materiae* and *ratione personae*, in the order of international relations should not be based by the contracting states on the status as nationals or foreigners of the interested parties, to the prejudice of the latter.

TITLE II

COMPETENCE

Chapter I. General rules concerning competence in civil and commercial matters

Article 318

The judge competent in the first place to take cognizance of suits arising from the exercise of civil and commercial actions of all kinds shall be the one to whom the litigants expressly or impliedly submit themselves, provided that one of them at least is a national of the contracting state to which the judge belongs or has his domicile therein, and in the absence of local laws to the contrary.

The submission in real or mixed actions involving real property shall not be possible if the law where the property is situated forbids it.

Article 319

The submission can be made only to a judge having ordinary jurisdiction to take cognizance of a similar class of cases in the same degree.

Article 320

In no case shall the parties be able to submit themselves expressly or impliedly for relief to any judge or court other than that to whom is subordinated according to local laws the one who took cognizance of the suit in the first instance.

Article 321

By express submission shall be understood the submission made by the interested parties in clearly and conclusively renouncing their own court and unmistakably designating the judge to whom they submit themselves.

ARTÍCULO 322

Se entenderá hecha la sumisión tácita por el demandante con el hecho de acudir al juez interponiendo la demanda, y por el demandado con el hecho de practicar, después de personado en el juicio, cualquier gestión que no sea proponer en forma la declinatoria. No se entenderá que hay sumisión tácita si el procedimiento se siguiera en rebeldía.

ARTÍCULO 323

Fuera de los casos de sumisión expresa o tácita, y salvo el derecho local contrario, será juez competente para el ejercicio de accoines personales el del lugar del cumplimiento de la obligación o el del domicilio de los demandados y subsidiariamente el de su residencia.

ARTÍCULO 324

Para el ejercicio de acciones reales sobre bienes muebles, será competente el juez de la situación, y si no fuere conocida del demandante, el del domicilio, y en su defecto el de la residencia del demandado.

ARTÍCULO 325

Para el ejercicio de acciones reales sobre bienes inmuebles y para el de las acciones mixtas de deslinde y división de la comunidad, será juez competente el de la situación de los bienes.

ARTÍCULO 326

Si en los casos a que se refieren los dos artículos anteriores hubiere bienes situados en más de un estado contratante, podrá acudirse a los jueces de cualquiera de ellos, salvo que lo prohiba para los inmuebles la ley de la situación.

ARTÍCULO 327

En los juicios de testamentaría o abintestato será juez competente el del lugar en que tuvo el finado su último domicilio.

ARTICLE 322

Implied submission shall be understood to have been made by the plaintiff from the fact of applying to the judge in filing the complaint, and by the defendant from the fact of his having, after entering his appearance in the suit, filed any plea unless it is for the purpose of denying jurisdiction. No submission can be implied when the suit is proceeded with as in default.

ARTICLE 323

Outside the cases of express or implied submissions, without prejudice to local laws to the contrary, the judge competent for hearing personal causes shall be the one of the place where the obligation is to be performed, and in the absence thereof the one of the domicile or nationality of the defendants and subsidiarily that of their residence.

ARTICLE 324

For the exercise of real actions in respect to personal property, the judge of the place where the property is situated shall be competent, and if it is not known by the plaintiff, then the judge of the domicile, and in the absence thereof, the one of the residence of the defendant.

ARTICLE 325

For the exercise of real actions in respect to real property, and for that of mixed actions to determine boundary and partition of common property, the competent judge shall be the one where the property is situated.

ARTICLE 326

If in the cases to which the two preceding articles refer there is any property situated in more than one of the contracting states, recourse may be had to the judges of any of them, unless prohibited, as to immovables, by the law of their situation.

ARTICLE 327

In cases relating to the probate of wills or to intestate estates, the competent court will be that of the place in which the deceased had his last domicile.

ARTÍCULO 328

En los concursos de acreedores y en las quiebras, cuando fuere voluntaria la presentación del deudor en ese estado, será juez competente el de su domicilio.

ARTÍCULO 329

En los concursos o quiebras promovidos por los acreedores, será juez competente el de cualquiera de los lugares que esté conociendo de la reclamación que los motiva, prefiriéndose, caso de estar entre ellos, el del domicilio del deudor, si éste o la mayoría de los acreedores lo reclamasen.

ARTÍCULO 330

Para los actos de jurisdicción voluntaria y salvo también el caso de sumisión y el derecho local, será competente el juez del lugar en que tenga o haya tenido su domicilio, o en su defecto, la residencia, la persona que los motive.

ARTÍCULO 331

Respecto de los actos de jurisdicción voluntaria en materia de comercio y fuera del caso de sumisión y salvo el derecho local, será competente el juez del lugar en que la obligación deba cumplirse o, en su defecto, el del lugar del hecho que los origine.

ARTÍCULO 332

Dentro de cada estado contratante la competencia preferente de los diversos jueces se ajustará a su derecho nacional.

Capítulo II. Excepciones a las reglas generales de competencia en lo civil y en lo mercantil

ARTÍCULO 333

Los jueces y tribunales de cada estado contratante serán incompetentes para conocer de los asuntos civiles o mercantiles en que sean parte demandada los demás estados contratantes o sus jefes, si se ejercita una acción personal, salvo el caso de sumisión expresa o de demandas reconvencionales.

ARTICLE 328

In insolvency and bankruptcy proceedings, when the debtor has acted voluntarily, the judge of the domicile of the latter shall be the one competent.

ARTICLE 329

In insolvency or bankruptcy proceedings brought by the creditors the competent judge shall be the one of any of the places who has cognizance of the claim which gives rise to them, preference being given, if among them, to that of the domicile of the debtor if he or the majority of the creditors demand it.

ARTICLE 330

In respect to acts of voluntary jurisdiction, saving also the case of submission without prejudice to local laws to the contrary, the competent judge shall be the one of the place where the person instituting it has or has had his domicile, or if none, his residence.

ARTICLE 331

Respecting acts of voluntary jurisdiction in commercial matters, apart from the case of submission, without prejudice to local laws to the contrary, the competent judge shall be the one of the place where the obligation should be performed or, in the absence thereof, the one of the place where the event giving rise to them occurred.

ARTICLE 332

Within each contracting state, the preferable competence of several judges shall be in conformity with their national law.

Chapter II. Exceptions to the general rules of competence in respect to civil and commercial matters

ARTICLE 333

The judges and courts of each contracting state shall be incompetent to take cognizance of civil or commercial cases to which the other contracting states or their heads are defendant parties, if the action is a personal one, except in case of express submission or of counterclaims.

ARTÍCULO 334

En el mismo caso y con la propia excepción, serán incompetentes cuando se ejerciten acciones reales, si el estado contratante o su jefe han actuado en el asunto como tales y en su carácter público, debiendo aplicarse lo dispuesto en el último párrafo del artículo 318.

ARTÍCULO 335

Si el estado extranjero contratante o su jefe han actuado como particulares o personas privadas, serán competentes los jueces o tribunales para conocer de los asuntos en que se ejerciten acciones reales o mixtas, si esta competencia les corresponde conforme a este código.

ARTÍCULO 336

La regla del artículo anterior será aplicable a los juicios universales sea cual fuere el carácter con que en ellos actúen el estado extranjero contratante o su jefe.

ARTÍCULO 337

Las disposiciones establecidas en los artículos anteriores, se aplicarán a los funcionarios diplomáticos extranjeros y a los comandantes de buques o aeronaves de guerra.

ARTÍCULO 338

Los cónsules extranjeros no estarán exentos de la competencia de los jueces y tribunales civiles del país en que actúen, sino para sus actos oficiales.

ARTÍCULO 339

En ningún caso podrán adoptar los jueces o tribunales medidas coercitivas o de otra clase que hayan de ser ejecutadas en el interior de las legaciones o consulados o sus archivos, ni respecto de la correspondencia diplomática o consular, sin el consentimiento de los respectivos funcionarios diplomáticos o consulares.

ARTICLE 334

In the same case and with the same exception, they shall be incompetent when real actions are exercised, if the contracting state or its head has acted on the case as such and in its public character, when the provisions of the last paragraph of Article 318 shall be applied.

ARTICLE 335

If the foreign contracting state or its head has acted as an individual or private person, the judges or courts shall be competent to take cognizance of the cases where real or mixed actions are brought, if such competence belongs to them in respect to foreign individuals in conformity with this code.

ARTICLE 336

The rule of the preceding article shall be applicable to universal causes (*juicios universales, e. g.*, distribution of a bankrupt's or decedent's effects), whatever the character in which the contracting foreign state or its head intervenes in them.

ARTICLE 337

The provisions established in preceding articles shall be applied to foreign diplomatic agents and to the commanders of war vessels or aircraft.

ARTICLE 338

Foreign consuls shall not be exempt from the civil jurisdiction of the judges and courts of the country in which they act, except in respect to their official acts.

ARTICLE 339

In no case can judges or courts adopt coercive or other measures which have to be executed within the legations or consulates or their archives, nor in respect to diplomatic or consular correspondence, without the consent of the respective diplomatic or consular agents.

Capítulo III. Reglas generales de competencia en lo penal

ARTÍCULO 340

Para conocer de los delitos y faltas y juzgarlos son competentes los jueces y tribunales del estado contratante en que se hayan cometido.

ARTÍCULO 341

La competencia se extiende a todos los demás delitos y faltas a que haya de aplicarse la ley penal del estado conforme a las disposiciones de este código.

ARTÍCULO 342

Alcanza asimismo a los delitos o faltas cometidos en el extranjero por funcionarios nacionales que gocen del beneficio de inmunidad.

Capítulo IV. Excepciones a las reglas generales de competencia en materia penal

ARTÍCULO 343

No están sujetos en lo penal a la competencia de los jueces y tribunales de los estados contratantes, las personas y los delitos y faltas a que no alcanza la ley penal del respectivo estado.

TITULO TERCERO

DE LA EXTRADICIÓN

ARTÍCULO 344

Para hacer efectiva la competencia judicial internacional en materias penales, cada uno de los estados contratantes accederá a la solicitud de cualquiera de los otros para la entrega de individuos condenados o procesados por delitos que se ajusten a las disposiciones de este título, sujeto a las provisiones de los tratados o convenciones internacionales que contengan listas de infracciones penales que autoricen la extradición.

ARTÍCULO 345

Los estados contratantes no están obligados a entregar a sus nacionales. La nación que se niegue a entregar a uno de sus ciudadanos estará obligada a juzgarlo.

Chapter III. General rules of competence in penal matters

ARTICLE 340

The judges and courts of the contracting state in which crimes or misdemeanors have been committed are competent to take cognizance of and pass judgment upon them.

ARTICLE 341

Competence extends to all other crimes and misdemeanors to which the penal law of the state is to be applied in conformity with the provisions of this code.

ARTICLE 342

It also extends to crimes or misdemeanors committed in a foreign country by national officials enjoying the benefit of immunity.

Chapter IV. Exceptions to the general rules of competence in penal matters

ARTICLE 343

Persons and crimes and misdemeanors to which the penal law of the respective state does not extend are not subject, in penal matters, to the competence of the judges and courts of the contracting states.

TITLE III

EXTRADITION

ARTICLE 344

In order to render effective the international judicial competence in penal matters each of the contracting states shall accede to the request of any of the others for the delivery of persons convicted or accused of crime, if in conformity with the provisions of this title, subject to the dispositions of the international treaties and conventions containing a list of penal infractions which authorize the extradition.

ARTICLE 345

The contracting states are not obliged to hand over their own nationals. The nation which refuses to give up one of its citizens shall try him.

Artículo 346

Cuando, con anterioridad al recibo de la solicitud, un procesado o condenado haya delinquido en el país a que se pide su entrega, puede diferirse esa entrega hasta que se le juzgue y cumpla la pena.

Artículo 347

Si varios estados contratantes solicitan la extradición de un delincuente por el mismo delito, debe entregarse a aquel en cuyo territorio se haya cometido.

Artículo 348

Caso de solicitarse por hechos diversos, tendrá preferencia el estado contratante en cuyo territorio se haya cometido el delito más grave, según la legislación del estado requerido.

Artículo 349

Si todos los hechos imputados tuvieren igual gravedad, será preferido el estado contratante que presente primero la solicitud de extradición. De ser simultáneas, decidirá el estado requerido, pero debe conceder la preferencia al estado de origen o, en su defecto, al del domicilio del delincuente, si fuere uno de los solicitantes.

Artículo 350

Las anteriores reglas sobre preferencia no serán aplicables si el estado contratante estuviere obligado con un tercero, a virtud de tratados vigentes anteriores a este código, a establecerla de un modo distinto.

Artículo 351

Para conceder la extradición, es necesario que el delito se haya cometido en el territorio del estado que la pida o que le sean aplicables sus leyes penales de acuerdo con el libro tercero de este código.

Article 346

Whenever, before the receipt of the request, a person accused or convicted has committed an offense in the country from which his delivery is requested, the said delivery may be postponed until he is tried and has served sentence.

Article 347

If various contracting states should request the extradition of a delinquent for the same offense, he should be delivered to that one in whose territory the offense has been committed.

Article 348

In case the extradition is requested for different acts, the preference shall belong to the contracting state in whose territory the most grievous offense has been committed, according to the legislation of the state upon which the request was made.

Article 349

If all the acts imputed should be equally grave, the preference shall be given to the contracting state which first presents the request for extradition. If all have applied simultaneously, the state upon which the request was made shall decide, but the preference should be given to the state of origin, or, in the absence thereof, to that of the domicile of the accused, if such state is among those requesting extradition.

Article 350

The foregoing rules in respect to preference shall not be applicable if the contracting state is obligated toward a third one, by reason of treaties in force prior to the adoption of this code, to establish a different method.

Article 351

In order to grant extradition, it is necessary that the offense has been committed in the territory of the state requesting it or that its penal laws are applicable to it in accordance with the provisions of Book III of this code.

ARTÍCULO 352

La extradición alcanza a los procesados o condenados como autores, cómplices o encubridores de delito.

ARTÍCULO 353

Es necesario que el hecho que motive la extradición tenga carácter de delito en la legislación del estado requirente y en la del requerido.

ARTÍCULO 354

Asimismo se exigirá que la pena asignada a los hechos imputados, según su calificación provisional o definitiva por el juez o tribunal competente del estado que solicita la extradición, no sea menor de un año de privación de libertad y que esté autorizada o acordada la prisión o detención preventiva del procesado, si no hubiere aún sentencia firme. Esta debe ser de privación de libertad.

ARTÍCULO 355

Están excluídos de la extradición los delitos políticos y conexos, según la calificación del estado requerido.

ARTÍCULO 356

Tampoco se acordará, si se probare que la petición de entrega se ha formulado de hecho con el fin de juzgar y castigar al acusado por un delito de carácter político, según la misma calificación.

ARTÍCULO 357

No será reputado delito político, ni hecho conexo, el de homicidio o asesinato del jefe de un estado contratante o de cualquiera persona que en él ejerza autoridad.

ARTÍCULO 358

No será concedida la extradición si la persona reclamada ha sido ya juzgada y puesta en libertad, o ha cumplido la pena, o está pendiente de juicio, en el territorio del estado requerido, por el mismo delito que motiva la solicitud.

ARTICLE 352

Extradition extends to persons accused or convicted as principals, accomplices, or abettors of a consummated offense.

ARTICLE 353

It is necessary that the act which gives rise to the extradition be a criminal offense in the legislation of the state making the request and in that upon which it is made.

ARTICLE 354

It shall be likewise necessary that the penalty attached to the alleged acts, according to their provisional or final description by the competent judge or court of the state requesting the extradition, is not less than one year of deprivation of liberty, and that the arrest or detention of the accused has been ordered or decided upon, in case final sentence has not been delivered. The sentence should be deprivation of liberty.

ARTICLE 355

Political offenses and acts related thereto, as defined by the requested state, are excluded from extradition.

ARTICLE 356

Nor shall it be granted, if it is shown that the request for extradition has been in fact made for the purpose of trying or punishing the accused for an offense of a political character in accordance with the same definition.

ARTICLE 357

Homicide or murder of the head of a contracting state or of any other person who exercises authority in said state, shall not be deemed a political offense nor an act related thereto.

ARTICLE 358

Extradition shall not be granted if the person demanded has already been tried and acquitted, or served his sentence, or is awaiting trial, in the territory of the requested state, for the offense upon which the request is based.

ARTÍCULO 359

Tampoco debe accederse a ella si han prescrito el delito o la pena conforme a las leyes del estado requirente o del requerido.

ARTÍCULO 360

La legislación del estado requerido posterior al delito, no podrá impedir la extradición.

ARTÍCULO 361

Los cónsules generales, cónsules, vicecónsules o agentes consulares, pueden pedir que se arreste y entregue a bordo de un buque o aeronave de su país, a los oficiales, marinos o tripulantes de sus naves o aeronaves de guerra o mercantes, que hubiesen desertado de ellas.

ARTÍCULO 362

Para los efectos del artículo anterior, exhibirán a la autoridad local correspondiente, dejándole además copia auténtica, los registros del buque o aeronave, rol de la tripulación o cualquier otro documento oficial en que la solicitud se funde.

ARTÍCULO 363

En los países limítrofes podrán pactarse reglas especiales para la extradición en las regiones o localidades de la frontera.

ARTÍCULO 364

La solicitud de la extradición debe hacerse por conducto de los funcionarios debidamente autorizados para eso por las leyes del estado requirente.

ARTÍCULO 365

Con la solicitud definitiva de extradición deben presentarse:

1. Una sentencia condenatoria o un mandamiento o auto de prisión o un documento de igual fuerza, o que obligue al interesado a comparecer periódicamente ante la jurisdicción represiva, acompañado de las actuaciones del proceso que suministren pruebas o al menos indicios racionales de la culpabilidad de la persona de que se trate;

ARTICLE 359

Nor should extradition be granted if the offense or the penalty is already barred by limitation by the laws of the requesting or requested state.

ARTICLE 360

In all cases in which the legislation of the requested state prevents extradition it is an indispensable requirement that such legislation be enacted before the commission of the crime.

ARTICLE 361

Consuls general, consuls, vice consuls, or consular agents may request the arrest and delivery on board of a vessel or aircraft of their country of the officers, sailors, or members of the crew of its war or merchant ships or aircraft who may have deserted therefrom.

ARTICLE 362

For the purposes of the preceding article, they shall exhibit to the proper local authority, delivering also to it an authenticated copy thereof, the register of the ship or aircraft, the crew list, or any other official document upon which the request is founded.

ARTICLE 363

In adjoining countries special rules may be agreed upon for extradition in the regions or localities of the boundary.

ARTICLE 364

The request for extradition should be made through agents duly authorized for this purpose by the laws of the petitioning state.

ARTICLE 365

Together with the final request for extradition the following should be submitted:

1. A sentence of conviction or a warrant or order of arrest or a document of equal force, or one which obliges the interested party to appear periodically before the criminal court, together with such parts of the record in the case as furnish proof or at least some reasonable evidence of the guilt of the person in question;

2. La filiación del individuo reclamado o las señas o circunstancias que puedan servir para identificarlo;

3. Copia auténtica de las disposiciones que establezcan la calificación legal del hecho que motiva la solicitud de entrega, definan la participación atribuida en él al inculpado y precisen la pena aplicable.

ARTÍCULO 366

La extradición puede solicitarse telegráficamente y, en ese caso, los documentos mencionados en el artículo anterior se presentarán al país requerido o a su legación o consulado general en el país requirente, dentro de los dos meses siguientes a la detención del inculpado. En su defecto será puesto en libertad.

ARTÍCULO 367

Si el estado requirente no dispone de la persona reclamada dentro de los tres meses siguientes a haber quedado a sus órdenes, será puesta también en libertad.

ARTÍCULO 368

El detenido podrá utilizar, en el estado a que se haga la solicitud de extradición, todos los medios legales concedidos a los nacionales para recobrar su libertad, fundando su ejercicio en las disposiciones de este código.

ARTÍCULO 369

También podrá el detenido, a partir de ese hecho, utilizar los recursos legales que procedan, en el estado que pida la extradición, contra las calificaciones y resoluciones en que se funde.

ARTÍCULO 370

La entrega debe hacerse con todos los objetos que se encontraren en poder de la persona reclamada, ya sean producto del delito imputado, ya piezas que puedan servir para la prueba del mismo, en cuanto fuere practicable con arreglo a las leyes del estado que la efectúa, y respetando debidamente los derechos de tercero.

2. The filiation of the person whose extradition is requested, or such marks or circumstances as may serve to identify him;

3. An authenticated copy of the provisions establishing the legal definition of the act which gives rise to the request for extradition, describing the participation imputed therein to the defendant, and prescribing the penalty applicable.

ARTICLE 366

The extradition may be requested by telegraph and, in that case, the documents mentioned in the preceding article shall be presented to the requesting country or to its legation or consulate general in the requesting country, within two months following the detention of the accused. Otherwise he shall be set at liberty.

ARTICLE 367

Moreover, if the requesting state does not dispose of the person demanded within three months following his being placed at its disposal, he shall be set at liberty.

ARTICLE 368

The person detained may use, in the state to which the request for extradition is made, all legal means provided for its nationals for the purpose of regaining their freedom, basing the exercise thereof on the provisions of this code.

ARTICLE 369

The person detained may also thereafter use the legal remedies which are considered proper, in the state which requests the extradition, against the qualifications and resolutions upon which the latter is founded.

ARTICLE 370

The delivery should be made together with all the effects found in the possession of the person demanded, whether as proceeds of the alleged crime, or whether to be used as evidence, in so far as practicable in accordance with the laws of the state effecting the delivery, and duly respecting the rights of third persons.

ARTÍCULO 371

La entrega de los objetos a que se refiere el artículo anterior, podrá hacerse, si la pidiere el estado solicitante de la extradición, aunque el detenido muera o se evada antes de efectuarla.

ARTÍCULO 372

Los gastos de detención y entrega serán de cuenta del estado requirente, pero no tendrá que sufragar ninguno por los servicios que prestaren los empleados públicos con sueldo del gobierno a quien se pida la extradición.

ARTÍCULO 373

El importe de los servicios prestados por empleados públicos u oficiales que sólo perciban derechos o emolumentos, no excederá de los que habitualmente cobraren por esas diligencias o servicios según las leyes del país en que residan.

ARTÍCULO 374

Toda responsabilidad que pueda originarse del hecho de la detención provisional, será de cargo del estado que la solicite.

ARTÍCULO 375

El tránsito de la persona extraditada y de sus custodios por el territorio de un tercer estado contratante, se permitirá mediante la exhibición del ejemplar original o de una copia auténtica del documento que concede la extradición.

ARTÍCULO 376

El estado que obtenga la extradición de un acusado que fuere luego absuelto, estará obligado a comunicar al que la concedió una copia auténtica del fallo.

ARTÍCULO 377

La persona entregada no podrá ser detenida en prisión ni juzgada por el estado contratante a quien se entregue, por un delito distinto del que hubiere motivado la extradición y cometido con anterioridad a la misma, salvo que consienta en ello el estado requerido, o

ARTICLE 371

The delivery of the effects referred to in the preceding article can be made, if requested by the state requesting the extradition, even though the detained person dies or escapes before it is effected.

ARTICLE 372

The expenses of detention and delivery shall be borne by the requesting state, but the latter shall not, in the meanwhile, have to defray any expenses for the services rendered by the public paid employees of the government from which extradition is requested.

ARTICLE 373

The charge for the services of such public employees or officers as receive only fees or perquisites shall not exceed their customary fees for their acts or services under the laws of the country in which they reside.

ARTICLE 374

All liability arising from the fact of a provisional detention shall rest upon the requesting state.

ARTICLE 375

The passage of the extradited person and his custodians through the territory of a third contracting state shall be permitted upon presentation of the original document which allows the extradition, or of an authenticated copy thereof.

ARTICLE 376

A state which obtains extradition of an accused who is afterwards acquitted shall be obliged to communicate to the state which granted it an authenticated copy of the judgment.

ARTICLE 377

The person delivered can not be detained in prison nor tried by the contracting state to which he is delivered for an offense different from the one giving rise to the extradition and committed prior thereto, unless it is done with the consent of the re-

que permanezca el extraditado libre en el primero tres meses después de juzgado y absuelto por el delito que originó la extradición o de cumplida la pena de privación de libertad impuesta.

ARTÍCULO 378

En ningún caso se impondrá o ejecutará la pena de muerte por el delito que hubiese sido causa de la extradición.

ARTÍCULO 379

Siempre que proceda el abono de la prisión preventiva, se computará como tal el tiempo transcurrido desde la detención del extraditado en el estado a quien se le haya pedido.

ARTÍCULO 380

El detenido será puesto en libertad, si el estado requirente no presentase la solicitud de extradición en un plazo razonable, dentro del menor tiempo posible, habida cuenta de la distancia y las facilidades de comunicaciones postales entre los dos países, después del arresto provisional.

ARTÍCULO 381

Negada la extradición de una persona, no se puede volver a solicitar por el mismo delito.

TITULO QUARTO

DEL DERECHO DE COMPARECER EN JUICIO Y SUS MODALIDADES

ARTÍCULO 382

Los nacionales de cada estado contratante gozarán en cada uno de los otros del beneficio de defensa por pobre, en las mismas condiciones que los naturales.

ARTÍCULO 383

No se hará distinción entre nacionales y extranjeros en los estados contratantes en cuanto a la prestación de la fianza para comparecer en juicio

quested state, or unless the extradited person remains free in the territory of the former for three months after his trial and acquittal for the offense which gave rise to the extradition, or after having served the sentence of deprivation of liberty imposed upon him.

ARTICLE 378

In no case shall the death penalty be imposed or executed for the offense upon which the extradition is founded.

ARTICLE 379

Whenever allowance for temporary detention is proper, it shall be computed from the time of the detention of the extradited person in the state to which the request was made.

ARTICLE 380

The detained person shall be set free if the requesting state does not present the request for extradition in a reasonable period, within the least time possible after temporary arrest, taking into account the distance and facilities of postal communication between the two countries.

ARTICLE 381

If the extradition of a person has been refused, a second request on account of the same crime cannot be made.

TITLE IV

THE RIGHT TO APPEAR IN COURT AND ITS MODALITIES

ARTICLE 382

The nationals of each contracting state shall enjoy in each of the others the benefit of having counsel assigned to them upon the same conditions as natives.

ARTICLE 383

No difference shall be made between nationals and foreigners in the contracting states in respect to giving security for judgment.

ARTÍCULO 384

Los extranjeros pertenecientes a un estado contratante, podrán ejercitar en los demás la acción pública en materia penal, en iguales condiciones que los nacionales.

ARTÍCULO 385

Tampoco necesitarán esos extranjeros prestar fianza para querellarse por acción privada, en los casos en que no se exija a los nacionales.

ARTÍCULO 386

Ninguno de los estados contratantes impondrá a los nacionales de otro la caución *judicio sisti* o el *onus probandi*, en los casos en que no se exijan a sus propios naturales.

ARTÍCULO 387

No se autorizarán embargos preventivos, ni fianza de cárcel segura ni otras medidas procesales de índole análoga, respecto de los nacionales de los estados contratantes, por su sola condición de extranjeros.

TITULO QUINTO

EXHORTOS O COMISIONES ROGATORIAS

ARTÍCULO 388

Toda diligencia judicial que un estado contratante necesite practicar en otro, se efectuará mediante exhorto o comisión rogatoria cursados por la vía diplomática. Sin embargo, los estados contratantes podrán pactar o aceptar entre sí en materia civil o criminal cualquier otra forma de trasmisión.

ARTÍCULO 389

Al juez exhortante corresponde decidir respecto a su competencia y a la legalidad y oportunidad del acto o prueba, sin perjuicio de la jurisdicción del juez exhortado.

ARTICLE 384

Aliens belonging to a contracting state may exercise in the others public rights of action in matters of a penal nature upon the same conditions as the nationals.

ARTICLE 385

Nor shall those aliens be required to furnish security when exercising a private right of action in cases in which it is not required from nationals.

ARTICLE 386

None of the contracting states shall require from the nationals of another the security *judicio sisti* nor the *onus probandi* in cases where they are not required from its own nationals.

ARTICLE 387

No provisional attachments, bail, or any other measures of a similar nature shall be authorized in respect to the nationals of the contracting states by reason merely of their being foreigners.

TITLE V

LETTERS REQUISITORIAL OR LETTERS ROGATORY

ARTICLE 388

Every judicial step which a contracting state has to take in another shall be effected by means of letters requisitorial or letters rogatory, transmitted through the diplomatic channel. Nevertheless, the contracting states may agree upon or accept as between themselves any other form of transmission in respect to civil or criminal matters.

ARTICLE 389

The judge issuing the letters requisitorial is to decide as to his own competence and the legality and propriety of the act or evidence, without prejudice to the jurisdiction of the judge to whom said letters are addressed.

ARTÍCULO 390

El juez exhortado resolverá sobre su propia competencia *ratione materiae* para el acto que se le encarga.

ARTÍCULO 391

El que reciba el exhorto o comisión rogatoria debe ajustarse en cuanto a su objeto a la ley del comitente y en cuanto a la forma de cumplirlo a la suya propia.

ARTÍCULO 392

El exhorto será redactado en la lengua del estado exhortante y será acompañado de una traducción hecha en la lengua del estado exhortado, debidamente certificada por intérprete juramentado.

ARTÍCULO 393

Los interesados en la ejecución de los exhortos y cartas, rogatorias de naturaleza privada deberán constituir apoderados, siendo de su cuenta los gastos que estos apoderados y las diligencias ocasionen.

TITULO SEXTO

EXCEPCIONES QUE TIENEN CARACTER INTERNACIONAL

ARTÍCULO 394

La litispendencia por pleito en otro de los estados contratantes, podrá alegarse en materia civil cuando la sentencia que se dicte en uno de ellos haya de producir en el otro los efectos de cosa juzgada.

ARTÍCULO 395

En asuntos penales no podrá alegarse la excepción de litispendencia por causa pendiente en otro estado contratante.

ARTÍCULO 396

La excepción de cosa juzgada que se funde en sentencia de otro estado contratante, sólo podrá alegarse cuando se haya dictado la sentencia con la

ARTICLE 390

The judge to whom such letters requisitorial are sent shall decide as to his own competence *ratione materiae* in respect to the act which he is requested to perform.

ARTICLE 391

The one receiving the letters requisitorial or letters rogatory should comply, as to the object thereof, with the law of the one issuing the same, and as to the manner of discharging the request he should comply with his own law.

ARTICLE 392

The letters requisitorial will be written in the language of the state which sent them and will be accompanied by a translation in the language of the state to which they are addressed, said translation to be duly certified by a sworn public translator.

ARTICLE 393

Parties interested in the execution of letters requisitorial and rogatory of a private nature should give powers of attorney, being responsible for the expenses incurred by the same and by the investigations made.

TITLE VI

EXCEPTIONS HAVING AN INTERNATIONAL CHARACTER

ARTICLE 394

Litispendencia by reason of a suit in another of the contracting states may be pleaded in civil matters when the judgment rendered in one of them is to take effect in the other as *res judicata*.

ARTICLE 395

In criminal cases the plea of *litispendencia* by reason of a cause pending in another contracting state shall not lie.

ARTICLE 396

The plea of *res judicata* founded on a judgment of another contracting party shall lie only when the judgment has been rendered in the presence of the

comparecencia de las partes o de sus representantes legítimos, sin que se haya suscitado cuestión de competencia del tribunal extranjero basada en disposiciones de este código.

ARTÍCULO 397

En todos los casos de relaciones jurídicas sometidas a este código, podrán promoverse cuestiones de competencia por declinatoria fundada en sus preceptos.

parties or their legal representatives, and no question founded on the provisions of this code has arisen as to the competence of the foreign court.

ARTICLE 397

In all cases of juridical relations subject to this code questions of competence founded on its precepts may be addressed to the jurisdiction of the court.

TITULO SEPTIMO

DE LA PRUEBA

Capítulo I. Disposiciones generales sobre la prueba

ARTÍCULO 398

La ley que rija el delito o la relación de derecho objeto del juicio civil o mercantil, determina a quién incumbe la prueba.

ARTÍCULO 399

Para decidir los medios de prueba que pueden utilizarse en cada caso, es competente la ley del lugar en que se ha realizado el acto o hecho que se trate de probar, exceptuándose los no autorizados por la ley del lugar en que se sigue el juicio.

ARTÍCULO 400

La forma en que ha de practicarse toda prueba se regula por la ley vigente en el lugar en que se lleva a cabo.

ARTÍCULO 401

La apreciación de la prueba depende de la ley del juzgador.

ARTÍCULO 402

Los documentos otorgados en cada uno de los estados contratantes, tendrán en los otros el mismo valor en juicio que los otorgados en ellos, si reúnen los requisitos siguientes:

1. Que el asunto o materia del acto o contrato sea lícito y permitido por las leyes del país del otorgamiento y de aquel en que el documento se utiliza;

TITLE VII

EVIDENCE

Chapter I. General provisions in respect to evidence

ARTICLE 398

The law governing the offense or the legal relation constituting the subject of the civil or commercial suit determines upon whom the burden of proof rests.

ARTICLE 399

In order to determine the modes of proof which may be used in each case, the law of the place in which the act or fact to be proved has taken place shall apply, except those which are not authorized by the law of the place in which the suit is instituted.

ARTICLE 400

The form of the evidence is regulated by the law in force in the place where it is taken.

ARTICLE 401

The weight of the evidence depends on the law of the judge.

ARTICLE 402

Documents executed in each of the contracting states shall have in the others the same value in court as those executed therein, if they fulfil the following requirements:

1. That the subject matter of the act or contract in question is lawful and permitted by the laws of the country where it is executed and of that where it is used;

2. Que los otorgantes tengan aptitud y capacidad legal para obligarse conforme a su ley personal;

3. Que en su otorgamiento se hayan observado las formas y solemnidades establecidas en el país donde se han verificado los actos o contratos;

4. Que el documento esté legalizado y llene los demás requisitos necesarios para su autenticidad en el lugar donde se emplea.

ARTÍCULO 403

Le fuerza ejecutiva de un documento se subordina al derecho local.

ARTÍCULO 404

La capacidad de los testigos y su recusación dependen de la ley a que se someta la relación de derecho objeto del juicio.

ARTÍCULO 405

La forma del juramento se ajustará a la ley del juez o tribunal ante quien se preste y su eficacia a la que rija el hecho sobre el cual se jura.

ARTÍCULO 406

Las presunciones derivadas de un hecho se sujetan a la ley del lugar en que se realiza el hecho de que nacen.

ARTÍCULO 407

La prueba indiciaria depende de la ley del juez o tribunal.

Capítulo II. Reglas especiales sobre la prueba de leyes extranjeras

ARTÍCULO 408

Los jueces y tribunales de cada estado contratante aplicarán de oficio, cuando proceda, las leyes de los demás sin perjuicio de los medios probatorios a que este capítulo se refiere.

ARTÍCULO 409

La parte que invoque la aplicación del derecho de cualquier estado contratante en uno de los otros, o disienta de ella, podrá justificar su texto, vigencia y sentido, mediante certificación de dos abogados en ejercico en

2. That the contracting parties have ability and capacity to bind themselves in conformity with their personal law;

3. That in the execution thereof the forms and formalities established in the country where the acts or contracts have been executed have been observed;

4. That the document is authenticated and contains the other requisites necessary to this authenticity in the place where it is used.

ARTICLE 403

The executory force of a document is subordinated to the local law.

ARTICLE 404

The capacity of witnesses and challenging thereof depend upon the law to which the legal relation constituting the object of the suit is subject.

ARTICLE 405

The form of the oath shall conform to the law of the judge or court before whom it is administered, and its validity is subject to the law governing the fact in respect to which the oath is taken.

ARTICLE 406

The presumptions derived from an act are subject to the law of the place where the act giving rise to them occurs.

ARTICLE 407

Circumstantial evidence is subject to the law of the judge or court.

Chapter II. Special rules on evidence of foreign laws

ARTICLE 408

The judge and courts of each contracting state shall apply *ex officio*, in suitable cases, the laws of the others, without prejudice to the means of proof referred to in this chapter.

ARTICLE 409

The party invoking the application of the law of any contracting state in one of the others, or dissenting from it, may show the text thereof, force and sense, by means of a certificate subscribed by two practicing lawyers of

el país de cuya legislación se trate, que deberá presentarse debidamente legalizada.

ARTÍCULO 410

A falta de prueba o si el juez o el tribunal por cualquier razón la estimaren insuficiente, podrán solicitar de oficio, antes de resolver, por la vía diplomática, que el estado de cuya legislación se trate proporcione un informe sobre el texto, vigencia y sentido del derecho aplicable.

ARTÍCULO 411

Cada estado contratante se obliga a suministrar a los otros, en el más breve plazo posible, la información a que el artículo anterior se refiere y que deberá proceder de su tribunal supremo o de cualquiera de sus salas o secciones, o del ministerio fiscal, o de la secretaría o ministerio de justicia.

TITULO OCTAVO

DEL RECURSO DE CASACIÓN

ARTÍCULO 412

En todo estado contratante donde exista el recurso de casación o la institución correspondiente, podrá interponerse por infracción, interpretación errónea o aplicación indebida de una ley de otro estado contratante, en las mismas condiciones y casos que respecto del derecho nacional.

ARTÍCULO 413

Serán aplicables al recurso de casación las reglas establecidas en el capítulo segundo del título anterior, aunque el juez o tribunal inferior haya hecho ya uso de éllas.

TITULO NOVENO

DE LA QUIEBRA O CONCURSO

Capítulo I. Unidad de la quiebra o concurso

ARTÍCULO 414

Si el deudor concordatario concursado o quebrado no tiene más que un domicilio civil o mercantil, no puede haber más que un juicio de procedi-

the country whose legislation is in question, which certificate shall be duly authenticated.

ARTICLE 410

In the absence of proof, or if the judge or the court deems it insufficient for any reason, they may request *ex officio* before deciding, through the diplomatic channel, that the state whose legislation is in question furnish a report on the text, force, and sense of the applicable law.

ARTICLE 411

Each contracting state binds itself to furnish to the others, as soon as possible, the information referred to in the preceding article, which information should come from its supreme court, or from some one of its divisions or sections, or from the state attorney, or from the department or ministry of justice.

TITLE VIII

APPEAL FOR ANNULMENT

ARTICLE 412

In every contracting state where the appeal for annulment or other similar institution exists, it may be interposed for the infraction, erroneous interpretation, or improper application of a law of another contracting state, upon the same conditions and in the same cases as in respect to the national law.

ARTICLE 413

The rules established in Chapter II of the preceding title shall be applicable to the appeal for annulment although the inferior judge or the lower court may have already applied them.

TITLE IX

BANKRUPTCY OR INSOLVENCY

Chapter I. Unity of bankruptcy or insolvency

ARTICLE 414

If the insolvent or bankrupt creditor has only one civil or commercial domicile, there can be only one preventive proceeding in insolvency or bankruptcy,

mientos preventivos de concurso o quiebra, o una suspensión de pagos, o quita y espera, para todos sus bienes y todas sus obligaciones en los estados contratantes.

ARTÍCULO 415

Si una misma persona o sociedad tuviere en más de un estado contratante varios establecimientos mercantiles enteramente separados económicamente, puede haber tantos juicios de procedimientos preventivos y de quiebra como establecimientos mercantiles.

Capítulo II. Universalidad de la quiebra o concurso, y sus efectos

ARTÍCULO 416

La declaratoria de incapacidad del quebrado o concursado tiene en los estados contratantes efectos extraterritoriales mediante el cumplimiento previo de las formalidades de registro o publicación que exija la legislación de cada uno de ellos.

ARTÍCULO 417

El auto de declaratoria de quiebra o concurso dictado en uno de los estados contratantes, se ejecutará en los otros en los casos y forma establecidos en este código para las resoluciones judiciales; pero producirá, desde que quede firme y para las personas respecto de las cuales lo estuviere, los efectos de cosa juzgada.

ARTÍCULO 418

Las facultades y funciones de los síndicos nombrados en uno de los estados contratantes con arreglo a las disposiciones de este código, tendrán efecto extraterritorial en los demás, sin necesidad de trámite alguno local.

ARTÍCULO 419

El efecto retroactivo de la declaración de quiebra o concurso y la anulación de ciertos actos por consecuencia de esos juicios, se determinarán por la ley de los mismos y serán aplicables en el territorio de los demás estados contratantes.

or one suspension of payments, or a composition (*quita y espera*) in respect of all his assets and his liabilities in the contracting states.

ARTICLE 415

If one and the same person or partnership should have in more than one contracting state various commercial establishments entirely separate economically, there may be as many suits for preventive proceeding in bankruptcy as there are commercial establishments.

Chapter II. Universality of bankruptcy or insolvency, and their effects

ARTICLE 416

A decree establishing the capacity of the bankrupt or insolvent, has extraterritorial effect in each of the contracting states, upon the previous compliance with the formalities of registration or publication which may be required by the legislation of each state.

ARTICLE 417

A decree of bankruptcy or insolvency, rendered in one of the contracting states, shall be executed in others in the cases and manner established in this code in respect to judicial resolutions; but it shall have the effect of *res judicata* from the moment it is made final, as to the persons which it is to affect.

ARTICLE 418

The powers and functions of the trustees appointed in one of the contracting states in accordance with the provisions of this code shall have extraterritorial effect in the others, without the necessity of any local proceeding.

ARTICLE 419

The retroactive effect of a declaration of bankruptcy or insolvency and the annulment of certain acts in consequence of those judgments shall be determined by the law thereof and shall be applicable to the territory of all the other contracting states.

ARTÍCULO 420

Las acciones reales y los derechos de la misma índole continuarán sujetos, no obstante la declaración de quiebra o concurso, a la ley de la situación de las cosas a que afecten y a la competencia de los jueces del lugar en que éstas se encuentren.

Capítulo III. Del convenio y la rehabilitación

ARTÍCULO 421

El convenio entre los acreedores y el quebrado o concursado, tendrá efectos extraterritoriales en los demás estados contratantes, salvo el derecho de los acreedores por acción real que no lo hubiesen aceptado.

ARTÍCULO 422

La rehabilitación del quebrado tiene también eficacia extraterritorial en los demás estados contratantes, desde que quede firme la resolución judicial en que se disponga, y conforme a sus términos.

TITULO DECIMO

EJECUCIÓN DE SENTENCIAS DICTADAS POR TRIBUNALES EXTRANJEROS

Capítulo I. Materia civil

ARTÍCULO 423

Toda sentencia civil o contencioso-administrativa dictada en uno de los estados contratantes, tendrá fuerza y podrá ejecutarse en los demás si reúne las siguientes condiciones:

1. Que tenga competencia para conocer del asunto y juzgarlo, de acuerdo con las reglas de este código, el juez o tribunal que la haya dictado;

2. Que las partes hayan sido citadas personalmente o por su representante legal, para el juicio;

3. Que el fallo no contravenga el orden público o el derecho público del país en que quiere ejecutarse;

4. Que sea ejecutorio en el estado en que se dicte;

ARTICLE 420

Real actions and rights of the same nature shall continue to be subject, notwithstanding the declaration in bankruptcy or insolvency, to the law of the situation of the things affected thereby and to the competence of the judges of the place in which they are found.

Chapter III. Agreement and rehabilitation

ARTICLE 421

The agreement among the creditors and the bankrupt or insolvent shall have extraterritorial effect in the other contracting states, saving the right to a real action by the creditors who may not have accepted.

ARTICLE 422

The rehabilitation of the bankrupt has also extraterritorial validity in the other contracting states, as soon as the judicial resolution by which it is ordered becomes final, and in conformity with its terms.

TITLE X

EXECUTION OF JUDGMENTS RENDERED BY FOREIGN COURTS

Chapter I. Civil matters

ARTICLE 423

Every civil or contentious administrative judgment rendered in one of the contracting states shall have force and may be executed in the others if it combines the following conditions:

1. That the judge or the court which has rendered it have competence to take cognizance of the matter and to pass judgment upon it, in accordance with the rules of this code;

2. That the parties have been summoned for the trial either personally or through their legal representative;

3. That the judgment does not conflict with the public policy or the public laws of the country in which its execution is sought;

4. That it is executory in the state in which it was rendered;

5. Que se traduzca autorizadamente por un funcionario o intérprete oficial del estado en que ha de ejecutarse, si allí fuere distinto el idioma empleado;

6. Que el documento en que conste reúna los requisitos necesarios para ser considerado como auténtico en el estado de que proceda, y los que requiera para que haga fe la legislación del estado en que se aspira a cumplir la sentencia.

ARTÍCULO 424

La ejecución de la sentencia deberá solicitarse del juez o tribunal competente para llevarla a efecto, previas las formalidades requeridas por la legislación interior.

ARTÍCULO 425

Contra la resolución judicial, en el caso a que el artículo anterior se refiere se otorgarán todos los recursos que las leyes de ese estado concedan respecto de las sentencias definitivas dictadas en juicio declarativo de mayor cuantía.

ARTÍCULO 426

El juez o tribunal a quien se pida la ejecución oirá antes de decretarla o denegarla, y por término de 20 días, a la parte contra quien se dirija y al fiscal o ministerio público.

ARTÍCULO 427

La citación de la parte a quien deba oirse se practicará por medio de exhorto o comisión rogatoria, según lo dispuesto en este código, si tuviere su domicilio en el extranjero y careciere en el país de representación bastante, o en la forma establecida por el derecho local si tuviere el domicilio en el estado requerido.

ARTÍCULO 428

Pasado el término que el juez o tribunal señale para la comparecencia, continuará la marcha del asunto, haya o no comparecido el citado.

5. That it be authoritatively translated by an official functionary or interpreter of the state in which it is to be executed, if the language employed in the latter is different;

6. That the document in which it is contained fulfils the requirements necessary in order to be considered as authentic in the state from which it proceeds, and those which the legislation of the state in which the execution of the judgment is sought requires for authenticity.

ARTICLE 424

The execution of the judgment should be requested from a competent judge or tribunal in order to carry it into effect, after complying with the formalities required by the internal legislation.

ARTICLE 425

In the case referred to in the preceding article, every recourse against the judicial resolution granted by the laws of that state in respect to final judgments rendered in a declarative action of greater import shall be granted.

ARTICLE 426

The judge or tribunal from whom the execution is requested shall, before decreeing or denying it, and for a term of twenty days, hear the party against whom it is directed as well as the prosecuting attorney.

ARTICLE 427

The summons of the party who should be heard shall be made by means of letters requisitorial or letters rogatory, in accordance with the provisions of this code if he has his domicile in a foreign country and lacks sufficient representation in the country, or in the form established by the local law if he has his domicile in the requested state.

ARTICLE 428

After the term fixed for appearance by the judge or the court, the case shall be proceeded with whether or not the party summoned has appeared.

ARTÍCULO 429

Si se deniega el cumplimiento se devolverá la ejecutoria al que la hubiese presentado.

ARTÍCULO 430

Cuando se acceda a cumplir la sentencia, se ajustará su ejecución a los trámites determinados por la ley del juez o tribunal para sus propios fallos.

ARTÍCULO 431

Las sentencias firmes dictadas por un estado contratante que por sus pronunciamientos no sean ejecutables, producirán en los demás los efectos de cosa juzgada si reúnen las condiciones que a ese fin determina este código, salvo las relativas a su ejecución.

ARTÍCULO 432

El procedimiento y los efectos regulados en los artículos anteriores, se aplicarán en los estados contratantes a las sentencias dictadas en cualquiera de ellos por árbitros o amigables componedores, siempre que el asunto que las motiva pueda ser objeto de compromiso conforme a la legislación del país en que la ejecución se solicite.

ARTÍCULO 433

Se aplicará también ese mismo procedimiento a las sentencias civiles dictadas en cualquiera de los estados contratantes por un tribunal internacional, que se refieran a personas o intereses privados.

Capítulo II. Actos de jurisdicción voluntaria

ARTÍCULO 434

Las disposiciones dictadas en actos de jurisdicción voluntaria en materia de comercio, por jueces o tribunales de un estado contratante o por sus agentes consulares, se ejecutarán en los demás mediante los trámites y en la forma señalados en el capítulo anterior.

ARTICLE 429

If the execution is denied, the judgment shall be returned to the party who presented it.

ARTICLE 430

When the execution of judgment is granted, the former shall be subject to the procedure determined by the law of the judge or the court for its own judgments.

ARTICLE 431

Final judgments rendered by a contracting state which by reason of their pronouncements are not to be executed shall have in the other states the effects of *res judicata* if they fulfil the conditions provided for that purpose by this code, except those relating to their execution.

ARTICLE 432

The procedure and effects regulated in the preceding articles shall be applied in the contracting states to awards made in any of them by arbitrators or friendly compositors, whenever the case to which they refer can be the subject of a compromise in accordance with the legislation of the country where the execution is requested.

ARTICLE 433

The same procedure shall be also applied in respect to civil judgments rendered in any of the contracting states by an international tribunal when referring to private persons or interests.

Chapter II. Acts of voluntary jurisdiction

ARTICLE 434

The provisions made in acts of voluntary jurisdiction regarding commercial matters by judges or tribunals of a contracting state or by its consular agents shall be executed in the others in accordance with the procedure and the manner indicated in the preceding article.

ARTÍCULO 435

Las resoluciones en los actos de jurisdicción voluntaria en materia civil procedentes de un estado contratante, se aceptarán por los demás si reúnen las condiciones exigidas por este código para la eficacia de los documentos otorgados en país extranjero y proceden de juez o tribunal competente, y tendrán en consecuencia eficacia extraterritorial.

Capítulo III. Materia penal

ARTÍCULO 436

Ningún estado contratante ejecutará las sentencias dictadas en uno de los otros en materia penal, en cuanto a las sanciones de ese orden que impongan.

ARTÍCULO 437

Podrán sin embargo, ejecutarse dichas sentencias en lo que toca a la responsabilidad civil y a sus efectos sobre los bienes del condenado, si han sido dictadas por juez o tribunal competente según este código, y con audiencia del interesado, y se cumplen las demás condiciones formales y de trámite que el capítulo primero de este título establece.

ARTICLE 435

The resolutions adopted in acts of voluntary jurisdiction in civil matters in a contracting state shall be accepted by the others if they fulfil the conditions required by this code for the validity of documents executed in a foreign country and were rendered by a competent judge or tribunal, and they shall in consequence have extraterritorial validity.

Chapter III. Penal matters

ARTICLE 436

No contracting state shall execute the judgments rendered in one of the others in penal matters in respect to the sanctions of that class which they impose.

ARTICLE 437

They may, however, execute the said judgments in respect to civil liability and the effects thereof upon the property of the convicted person if they have been rendered by a competent judge or tribunal in accordance with this code and upon a hearing of the interested party and if the other conditions of form and procedure established by the first chapter of this title have been complied with.

DECLARACIONES Y RESERVAS

RESERVAS DE LA DELEGACIÓN ARGENTINA

La delegación argentina deja constancia de las siguientes reservas que formula al proyecto de convención de derecho internacional privado sometido a estudio de la Sexta Conferencia Internacional Americana.

1. Entiende que la codificación del derecho internacional privado debe ser "gradual y progresiva," especialmente respecto de las instituciones que presentan en los estados americanos, identidad o analogía de caracteres fundamentales.

DECLARATIONS AND RESERVATIONS

RESERVATIONS OF THE ARGENTINE DELEGATION

The Argentine delegation places on record the following reservations which it formulates to the project of convention of private international law, submitted to the consideration of the Sixth International Conference of American States:

1. It understands that the codification of private international law should be "gradual and progressive," especially as regards institutions which present in the American republics identical or analogous fundamental features.

2. Mantiene la vigencia de los tratados de derecho civil internacional, derecho penal internacional, derecho comercial internacional y derecho procesal internacional, sancionados en Montevideo el año 1889, con sus convenios y protocolos respectivos.

3. No acepta principios que modifiquen el sistema de la "ley del domicilio", especialmente en todo aquello que se oponga al texto y espíritu de la legislación civil argentina.

4. No aprueba disposiciones que afecten, directa o indirectamente, el principio sustentado por las legislaciones civil y comercial de la República Argentina, de que, "las personas jurídicas deben exclusivamente su existencia a la ley del estado que las autorice y por consiguiente no son ni nacionales ni extranjeras; sus funciones se determinan por dicha ley de conformidad con los preceptos derivados del 'domicilio' que ella les reconoce."

5. No acepta principios que admitan o tiendan a sancionar el divorcio *ad vinculum*.

6. Acepta el sistema de la "unidad de las sucesiones" con la limitación derivada de la *lex rei sitae* en materia de bienes inmuebles.

7. Admite todo principio que tienda a reconocer en favor de la mujer, los mismos derechos civiles conferidos al hombre mayor de edad.

8. No aprueba aquellos principios que modifiquen el sistema del *jus soli* como medio de adquirir la nacionalidad.

9. No admite preceptos que resuelvan conflictos relativos a la "doble nacionalidad" con perjuicio de la aplicación exclusiva del *jus soli*.

10. No acepta normas que permitan la intervención de agentes diplomáticos y consulares, en los juicios sucesorios que interesen a extranjeros, salvo los preceptos ya establecidos en la República Argentina y que rigen esa intervención.

11. En el régimen de la letra de cambio y cheques en general, no admite disposiciones que modifiquen criterios

2. It ratifies the force of the treaties of international civil law, of international penal law, of international commercial law and of international procedural law, approved at Montevideo in the year 1889, with their respective conventions and protocols.

3. It does not accept principles which modify the "law of domicile," especially as regards everything which opposes the text and spirit of Argentine civil legislation.

4. It does not approve provisions affecting directly or indirectly the principle upheld by the civil and commercial legislation of the Argentine Republic to the effect that "juristic persons owe their existence exclusively to the law of the state which authorizes them and are therefore neither national nor foreign; their functions are determined by said law, in accordance with the precepts derived from the 'domicile' which that law acknowledges to such persons."

5. It does not accept principles which admit or tend to approve divorces *ad vinculum*.

6. It accepts the system of the "unity of successions" with the limitation derived from the *lex rei sitae* as regards immovable property.

7. It accepts all principles tending to acknowledge in favor of women the same civil rights granted to adult males.

8. It does not approve those principles modifying the doctrine of *jus soli* as a means of acquiring nationality.

9. It does not accept precepts solving conflicts of "dual nationality" in a manner prejudicial to the exclusive application of *jus soli*.

10. It does not accept rules authorizing the intervention of diplomatic or consular agents in inheritance proceedings concerning foreigners, except such principles as have already been established in the Argentine Republic regulating such intervention.

11. As regards the regulation of bills of exchange and checks in general, it accepts no provisions which may mod-

aceptados en conferencias universales, como las de La Haya de 1910 y 1912.

12. Hace reserva expresa de la aplicación de la "ley del pabellón" en cuestiones relativas al derecho marítimo, especialmente en lo que atañe al contrato de fletamento y a sus consecuencias jurídicas, por considerar que deben someterse a la ley y jurisdicción del país del puerto de destino.

Este principio fué sostenido con éxito por la rama argentina de la International Law Association en la 31a. sesión de ésta y actualmente es una de las llamadas "regla de Buenos Aires."

13. Reafirma el concepto de que los delitos cometidos en aeronaves, dentro del espacio aéreo nacional o en buques mercantes extranjeros, deberán juzgarse y punirse por las autoridades y leyes del estado en que se encuentran.

14. Ratifica la tesis aprobada por el Instituto Americano de Derecho Internacional, en su sesión de Montevideo de 1927, cuyo contenido es el siguiente: "La nacionalidad del reo no podrá ser invocada como causa para denegar su extradición."

15. No admite principios que reglamenten las cuestiones internacionales del trabajo y situación jurídica de los obreros en mérito de las razones expuestas, cuando se discutió el artículo 198 del proyecto de convención de derecho civil internacional, en la Junta Internacional de Jurisconsultos, asamblea de Río de Janeiro de 1927.

La delegación argentina hace presente que, como ya lo ha manifestado en la honorable comisión número 3, ratifica en la Sexta Conferencia Internacional Americana, los votos emitidos y actitud asumida por la delegacion argentina en la asamblea de la Junta Internacional de Jurisconsultos, celebrada en la ciudad de Río de Janeiro, en los meses de abril y mayo de 1927.

Declaración de la Delegación de los Estados Unidos de América

Siente mucho no poder aprobar desde ahora el código del doctor Bustamante,

ify the criteria accepted in previous world conferences, such as those of The Hague of 1910 and 1912.

12. It makes specific reservation of the application of the "law of the flag" to questions relating to maritime law, especially as regards the charter party and its legal effect, as it considers that these should be subject to the law and jurisdiction of the country of the port of destination.

This principle was successfully upheld by the Argentine branch of the International Law Association, at its 31st session and is now one of the "Buenos Aires rules."

13. It reaffirms the principle that offenses committed on airships within the national aerial domain or on foreign merchant ships should be tried and punished by the authorities and the laws of the states where such ships may be found.

14. It ratifies the thesis, approved by the American Institute of International Law at its session of 1927 in Montevideo, to the effect that "the nationality of the accused cannot be invoked as a ground for refusing his extradition."

15. It does not accept the principles regulating international labor questions or the juridical status of laborers, for the reasons it submitted at the sessions of the International Commission of Jurists of Rio de Janeiro in 1927, when Article 198 of the project of convention of international civil law was being discussed.

The Argentine delegation reiterates what it has heretofore declared at the meetings of Committee No. 3, that it ratifies in the Sixth International Conference of American States the votes cast and the attitude assumed by the Argentine delegation at the sessions of the International Commission of Jurists held in Rio de Janeiro during the months of April and May, 1927.

Declaration of the Delegation of the United States of America

The delegation of the United States of America regrets very much that it

pues dada la Constitución de los Estados Unidos de América, las relaciones de los Estados miembros de la Unión Federal y las atribuciones y poderes del Gobierno Federal, se les hace difícil. El Gobierno de los Estados Unidos de América mantiene firme la idea de no desligarse de la América latina, por lo que, de acuerdo con el artículo sexto de la convención, que permite a cada gobierno adherirse más tarde, harán uso del privilegio de ese artículo a fin de que, después de examinar cuidadosamente el código en todas sus estipulaciones, puedan adherirse por lo menos a gran parte del mismo. Por estas razones la delegación de los Estados Unidas de América se reserva su voto en la esperanza de poder adherirse, como ha dicho, en parte o en una parte considerable de sus estipulaciones.

is unable at the present time to approve the code of Dr. Bustamante, as in view of the Constitution of the United States of America, the relations among the States members of the Union and the powers and functions of the Federal Government, it finds it very difficult to do so. The Government of the United States of America firmly maintains its intention not to dissociate itself from Latin America, and therefore, in accordance with article sixth of the convention which permits any Government to adhere later thereto, it will make use of the privilege extended by this article in order that, after carefully studying the code in all its provisions, it may be enabled to adhere to at least a large portion thereof. For these reasons, the delegation of the United States of America reserves its vote in the hope, as has been stated, of adhering partly or to a considerable number of the code's provisions.

Declaración de la Delegación de Uruguay

La delegación de Uruguay hace reservas tendientes a que el criterio de esa delegación sea coherente con el sustentado en la Junta de Jurisconsultos de Río de Janeiro por el doctor Pedro Varela, Catedrático de la facultad de derecho de su país. Las mantiene declarando que el Uruguay presta su aprobación al código en general.

Declaration of the Delegation of Uruguay

The delegation of Uruguay formulates reservations to the end that its position be consistent with that held in the International Commission of Jurists at Rio de Janeiro by Doctor Pedro Varela, professor in the faculty of law at the University in Uruguay. At the same time the delegation declares that Uruguay gives its approval to the code as a whole.

Reservas de la Delegaciòn de Paraguay

1. Hace la declaración de que el Paraguay mantiene su adhesion a los tratados de derecho civil internacional, derecho comercial internacional, derecho penal internacional y derecho procesal internacional que fueron sancionados en Montevideo en 1888 y 1889, con los convenios y protocolos que los acompañan.

2. No está conforme en modificar el sistema de la "Ley del domicilio" consagrado por la legislación civil de la República.

Reservations of the Delegation of Paraguay

1. The delegation declares that Paraguay maintains its adhesion to the treaties of international civil law, international commercial law, international penal law, and international procedural law which were approved at Montevideo in 1888 and 1889, together with the conventions and protocols attached thereto.

2. It does not agree to modify the system of the "law of the domicile", sanctioned by the civil legislation of the Republic.

3. Mantiene su adhesión al principio de su legislación de que las personas jurídicas deben exclusivamente su existencia a la ley del estado que las autoriza y que, por consiguiente, no son nacionales ni extranjeras; sus funciones están señaladas por la ley especial, de acuerdo con los principios derivados del domicilio.

4. Admite el sistema de la *unidad de las sucesiones*, con la limitación derivada de la *lex rei sitae* en materia de bienes inmuebles.

5. Está conforme con todo principio que tienda a reconocer en favor de la mujer los mismos derechos civiles acordados al hombre mayor de edad.

6. No acepta los principios que modifiquen el sistema del *jus soli* como medio de adquirir la nacionalidad.

7. No está conforme con los preceptos que resuelvan el problema de la "doble nacionalidad" con perjuicio de la aplicación exclusiva del *jus soli*.

8. Se adhiere al criterio aceptado en conferencias universales sobre el régimen de la letra de cambio y cheques.

9. Hace reserva de la aplicación de la "ley del pabellón" en cuestiones relativas al derecho marítimo.

10. Está conforme con que los delitos cometidos en aeronaves, dentro del espacio aéreo nacional o en buques mercantes extranjeros, deben ser juzgados por los tribunales del estado en que se encuentren.

3. It maintains adhesion to the principle of its internal legislation that juristic persons owe their existence exclusively to the law of the state which authorizes them and are, therefore, neither national nor foreign; their functions are determined by special law, pursuant to the principles arising from the domicile.

4. It accepts the system of the *unity of successions* with the limitation derived from the *lex rei sitae* as regards immovable property.

5. It is in accord with every principle tending to recognize in favor of women, the same civil rights conferred upon adult males.

6. It does not accept principles which may modify the system of *jus soli* as a means of acquiring nationality.

7. It does not agree to precepts which solve the problem of "dual nationality", with prejudice to an exclusive application of the *jus soli*.

8. It adheres to the criteria, accepted in world conferences, relative to the regulation of bills of exchange and checks.

9. It makes a reservation as to the application of the "law of the flag" on matters relative to maritime law.

10. It agrees that crimes committed on airships within the aerial national domain, or on foreign merchant ships, should be tried by the courts of the state where such ships may happen to be.

Reserva de la Delegación de Brasil

1. Rechazada la enmienda substitutiva que propuso para el artículo 53, la delegación de Brasil niega su aprobación al artículo 52 que establece la competencia de la ley del domicilio conyugal para regular la separación de cuerpos y el divorcio, así como también al artículo 54.

Reservation of the Delegation of Brazil

The substitute amendment it proposed to Article 53 having been rejected, the delegation of Brazil withholds its approval of Article 52, which gives jurisdiction to the law of the matrimonial domicile for regulating separation and divorce, and likewise of Article 54.

Declaración que Hacen las Delegaciones de Colombia y Costa Rica

Las delegaciones de Colombia y Costa Rica suscriben el código de

Declaration of the Delegations of Colombia and of Costa Rica

The delegations of Colombia and of Costa Rica subscribe to the code of

derecho internacional privado de una manera global con la reserva expresa de todo cuanto pueda estar en contradicción con la legislación colombiana y la costarricense.

En lo relativo a personas jurídicas nuestra opinión es que, ellas deben estar sometidas a la ley local para todo lo que se refiera a "su concepto y reconocimiento", como lo dispone sabiamente el artículo 32 del código, en contradicción (por lo menos aparente) con otras disposiciones del mismo como los artículos 16 a 21. Para las legislaciones suscritas, las personas jurídicas no pueden tener nacionalidad ni de acuerdo con los principios científicos ni en conformidad con las más altas y permanentes conveniencias de América. Habría sido preferible que en el código que vamos a expedir, se hubiese omitido todo cuanto pueda servir para afirmar que las personas jurídicas, singularmente las sociedades de capitales, tienen nacionalidad.

Las delegaciones suscritas al aceptar la transacción consignada en el artículo 7 entre las doctrinas europeas de la personalidad del derecho y la genuinamente americana del domicilio para regir el estado civil y la capacidad de las personas en derecho internacional privado, declaran que aceptan esa transacción para no retardar la expedición del código que todas las naciones de América esperan hoy como una de las obras más trascendentales de esta Conferencia, pero afirman enfáticamente que esa transacción debe ser transitoria porque la unidad jurídica del continente tiene que verificarse en torno a la ley del domicilio única que salvaguarda eficazmente la soberanía e independencia de los pueblos de América. Pueblos de inmigración como son o habrán de ser todas estas repúblicas, no pueden mirar sin suprema inquietud que los inmigrantes europeos traigan la pretensión de invocar en América sus propias leyes de origen para gobernar aquí su estado civil de capacidad para contratar. Admitir esta posibilidad (que consagra el principio de la ley nacional, reconoprivate international law as a whole with the express reservation as to everything which may be in contradiction with the Colombian or Costa Rican legislations.

With respect to juristic persons, our view is that they should be subject to the local law as regards everything relating to their "concept and recognition," as wisely provided by Article 32 of the code, in contradiction—at least apparently—with other provisions thereof, such as Articles 16 to 21. For the undersigned delegations, juristic persons can not have any nationality either under scientific principles or in the view of the highest and most permanent interests of America. It would have been preferable that in this code which we are going to enact, there should have been omitted everything which might serve to assert that juristic persons, particularly those with capital stock, have nationality.

The undersigned delegations, upon accepting the compromise set forth in Article 7 between the European doctrine of the personality of the law and the genuinely American doctrine of domicile for regulating the civil status and capacity of persons in private international law, declare that they accept this compromise in order not to delay the issuance of this code, to which all the nations of America are looking forward as one of the most transcendental accomplishments of this Conference; but the subscribing delegations emphatically assert that such a compromise should be transitory because juridical unity must be accomplished in the continent around the law of the domicile, the only one which effectively safeguards the sovereignty and independence of the peoples of America. Immigration countries, as these Republics are or will be, cannot but regard with the greatest concern that European immigrants should bring with them the pretension of invoking in America their own laws of origin, to determine here their civil status as to contractual capacity. To

cido parcialmente en el código) es crear en América un estado dentro del estado y ponernos casi bajo el régimen de las capitulaciones que Europa impuso durante siglos a las naciones del Asia, por ella consideradas como inferiores en sus relaciones internacionales. Las delegaciones suscritas hacen votos por que muy pronto desaparezcan de las legislaciones americanas todas las huellas de las teorías (más políticas que jurídicas) preconizadas por Europa para conservar aquí la jurisdicción sobre sus nacionales establecidos en las libres tierras de América y espera que la legislación del continente se unifique de acuerdo con los principios que someten al extranjero inmigrante al imperio irrestricto de las leyes locales. Con la esperanza, pues, de que en breve la ley del domicilio será la que rija en América el estado civil y la capacidad de las personas, y en la seguridad de que ella serán uno de los aspectos más característicos del Panamercanismo jurídico que todos anhelamos crear, las delegaciones suscritas votan el código de derecho internacional privado y aceptan la transacción doctrinaria en que él se inspira.

Refiriéndose a las disposiciones sobre el divorcio, la delegación colombiana formula su reserva absoluta en cuanto regula el divorcio por la ley del domicilio conyugal, porque considera que para tales efectos y dado el carácter excepcionalmente trascendental y sagrado del matrimonio (base de la sociedad y del estado mismo), Colombia no puede aceptar dentro de su territorio la aplicación de legislaciones extrañas.

Las delegaciones quieren, además, hacer constar su admiración entusiasta por la obra fecunda del doctor Sánchez de Bustamante que este código representa en sus 500 artículos concebidos en cláusulas lapidarias que bien pudieran servir como dechado para los legisladores de todos los pueblos. De hoy

accept this possibility (which is sanctioned by the principle of national law, partially acknowledged in the code), amounts to creating in America a state within a state and to placing ourselves almost under the capitulation régime which Europe imposed during centuries on the nations of Asia, which she considered as inferior in their international relations. The undersigned delegations earnestly hope that very soon there will disappear from the American legislations all traces of theories (more political than legal) favored by Europe in order to preserve here jurisdiction over her nationals, who have established themselves in these free lands of America, and they hope that the legislation of the continent will be unified in accordance with the principles that subject alien immigrants to the unrestricted force of the local laws. With the hope, therefore, that very soon the doctrine of the domicile will be the one to regulate in America the civil status and capacity of persons, and feeling assured that it will constitute one of the most characteristic aspects of juridical Pan Americanism, which we are all anxious to create, the undersigned delegations vote in favor of the code of private international law and accept the doctrinary compromise on which it is inspired.

As regards the provisions relative to divorce, the delegation of Colombia formulates its unqualified reservation to the regulation of divorce by the law of the matrimonial domicile, because it considers that for such purpose and in view of the exceptionally transcendental and sacred character of marriage (basis of society and of the state itself) Colombia cannot accept the application within her territory of alien laws.

The subscribing delegations also desire to record their enthusiastic admiration for the fruitful efforts of Dr. Sánchez de Bustamante which this code embodies in its 500 articles, formulated in clear-cut phrases, which can well serve as models for the legislators of all countries. From this day on Dr.

más el doctor Sánchez de Bustamante será no sólo uno de los hijos más esclarecidos de Cuba, sino uno de los más eximios ciudadanos de la gran patria americana que puede con justicia ufanarse de producir hombres de ciencias y estadistas tan egregios como el autor del código de derecho internacional privado que hemos estudiado y que la Sexta Conferencia Internacional Americana va a sancionar en nombre de la América entera.

Sánchez de Bustamante will not only be one of the most eminent sons of Cuba, but also one of the foremost citizens of the great American fatherland which can justly feel proud of raising egregious scientists and statesmen like the author of the code of private international law which we have considered, and which the Sixth International Conference of American States is about to sanction on behalf of all the Americas.

Reservas de la Delegación de el Salvador

Reserva primera: especialmente aplicable a los artículos 44, 146, 176, 232 y 233:

En cuanto se refiere a las incapacidades que puedan tener los extranjeros conforme a su ley personal para testar, contratar, comparecer en juicio, ejercer el comercio o intervenir en actos o contratos mercantiles, se hace la reserva de que en El Salvador dichas incapacidades no serán reconocidas en los casos en que los actos o contratos han sido celebrados en El Salvador, sin contravención a la ley salvadoreña y para tener efectos en su territorio nacional.

Reserva segunda: aplicable al artículo 187, párrafo final:

En caso de comunidad de bienes impuesta a los casados como ley personal por un estado extranjero, sólo será reconocida en El Salvador, si se confirma por contrato entre las partes interesadas, cumpliéndose todos los requisitos que la ley salvadoreña determina, o determine en lo futuro, con respecto a bienes situados en El Salvador.

Reserva tercera: especialmente aplicable a los artículos 327, 328 y 329:

Reserva de que no será admisible, en cuanto concierne a El Salvador, la jurisdicción de jueces o tribunales extranjeros en los juicios y diligencias sucesorales y en los concursos de acreedores y quiebra en todos los casos en que afecten bienes inmuebles situados en El Salvador.

Reservations of the Delegation of Salvador

First Reservation: Especially applicable to Articles 44, 146, 176, 232, and 233:

With respect to the incapacities to which aliens may be subjected in accordance with their personal law for disposing by will, for entering into contracts, for appearing in court, and for engaging in commerce or participating in commercial transactions or contracts, the reservation is made that said incapacities will not be acknowledged in Salvador in cases where the transactions or contracts in question have been executed in Salvador without contravention of the Salvadorean law and to take effect within its national territory.

Second Reservation: Applicable to Article 187, last paragraph:

As to community of property imposed upon spouses by their personal law under the legislation of a foreign state, it will be recognized in Salvador only if confirmed by contract between the interested parties and all requirements which the Salvadorean law now provides or may hereafter provide with respect to property located in Salvador are complied with.

Third Reservation: Especially applicable to Articles 327, 328, and 329:

The delegation of Salvador makes the reservation that in so far as Salvador is concerned the jurisdiction of foreign judges or tribunals in inheritance hearings and proceedings and in creditors' suits and bankruptcy cases affecting immovables located in Salvador, will be unacceptable.

Reservas de la Delegación de la República Dominicana

1. La delegación de la República Dominicana desea mantener el predominio de la ley nacional en aquellas cuestiones que se refieren al estado y capacidad de los dominicanos, en donde quiera que éstos se encuentren, por lo cual no puede aceptar sino con reservas, aquellas disposiciones del proyecto de codificación en que se da preeminencia a la "ley del domicilio" o a la ley local; todo ello, no obstante el principio conciliador enunciado en el artículo 7 del proyecto del cual es una aplicación el artículo 53 del mismo.

2. En cuanto a la nacionalidad, título 1º del libro 1º, artículo 9 y siguientes, establecemos una reserva, en lo que toca, primero, a la nacionalidad de las sociedades, y segundo, muy especialmente al principio general de nuestra constitución política según el cual a ningún dominicano se le reconocerá otra nacionalidad que la dominicana mientras resida en el territorio de la República.

3. En cuanto al domicilio de las sociedades extranjeras, cualesquiera que fueren sus estatutos y el lugar en que lo hubieren fijado, o en que tuvieren su principal establecimiento, etcétera, reservamos este principio de orden público en la República Dominicana: cualquier persona física o moral que ejerza actos de la vida jurídica en su territorio, tendrá por domicilio el lugar donde tenga un establecimiento, una agencia o un representante cualquiera. Este domicilio es atributivo de jurisdicción para los tribunales nacionales en aquellas relaciones jurídicas que se refieran a *actos intervenidos en el país cualesquiera que fuere la naturaleza de ellos.*

Declaración de la Delegación de Ecuador

La delegación de Ecuador, tiene el honor de suscribir por entero la convención del código de derecho internacional privado en homenaje al doctor

Reservations of the Delegation of the Dominican Republic

1. The delegation of the Dominican Republic desires to maintain the supremacy of its national law in all questions relating to the status and capacity of the Dominicans wherever they may be, and for this reason it cannot accept, except with reservations, those provisions of the project of code which accord supremacy to the "law of the domicile" or to the local law: all this notwithstanding the conciliatory principle set forth in Article 7 of the project and of which Article 53 of the same is an application.

2. As regards nationality, Title I, Book I, Articles 9 *et seq.*, we formulate a reservation with respect, first, to the nationality of juristic persons, and second, in a special manner, regarding the general principle of our political constitution in accordance with which no other nationality shall be acknowledged to any Dominican citizen except that of the Dominican Republic as long as he resides in its territory.

3. With reference to the domicile of foreign juristic persons, whichever may be their charters and whatever the place where they may have established their domicile, wherever their principal office may be located, etcetera, we make reservation of the following principle of public order in the Dominican Republic: any physical or moral person conducting activities of a juridical nature within its territory shall have for its domicile the place where it keeps an establishment, an agency, or any representative whatsoever. This domicile attributes jurisdiction to the national tribunals in those juridical relations concerning *acts which have taken place in the country, whatever their nature may be.*

Declaration of the Delegation of Ecuador

The delegation of Ecuador has the honor to subscribe in its entirety the convention of the code of private international law, in homage to Dr. Busta-

Bustamante. No cree necesario puntualizar reserva alguna, dejando a salvo, tan solo, la facultad general contenida en la misma convención, que deja a los gobiernos la libertad de ratificarla.

Declaración de la Delegación de Nicaragua

Nicaragua en materias que ahora o en lo futuro considere de algún modo sujetas al derecho canónico no podrá aplicar las disposiciones del código de derecho internacional privado que estuvieron en conflicto con aquel derecho.

Declara que como lo expresó verbalmente en varios casos durante la discusión, algunas de las disposiciones del código aprobado están en desacuerdo con disposiciones expresas de la legislación de Nicaragua o con principios que son bases de esa legislación; pero como un debido homenaje a la obra insigne del ilustre autor de aquel código, prefiere en vez de puntualizar las reservas del caso, hacer esta declaración y dejar que los poderes públicos de Nicaragua formulen tales reservas o reformen hasta donde sea posible la legislación nacional en los casos de incompatibilidad.

Declaración de la Delegación de Chile

La delegación de Chile se complace en presentar sus más calurosas felicitaciones al eminente y sabio jurisconsulto americano, señor Antonio Sánchez de Bustamante, por la magna labor que ha realizado redactando un proyecto de código de derecho internacional privado, destinado a regir las relaciones entre los estados de América. Este trabajo es una contribución preciosa para el desarrollo del panamericanismo jurídico, que todos los países del Nuevo Mundo desean ver fortalecido y desarrollado. Aun cuando esta obra grandiosa de la codificación no puede realizarse en breve espacio de tiempo, porque necesita de la madurez y de la reflexión de los estados que en ella van

mante. It does not deem it necessary to set forth any reservation, preserving only the general power, provided in the convention itself, which leaves the Governments at liberty to ratify it.

Declaration of the Delegation of Nicaragua

The Republic of Nicaragua will be unable to apply the provisions of the code of private international law which may be in conflict with the canon law in matters which now or in the future Nicaragua may consider to be subject to such canon law.

The Nicaraguan delegation declares, as it has previously done several times verbally throughout the discussions, that some of the provisions of the approved code are in disagreement with express provisions of the legislation of Nicaragua or with principles which form the basis of such legislation; but, as deserved homage to the notable work of the illustrious author of this code, it chooses, instead of formulating the corresponding reservations, to make these declarations and to leave to the public authorities of Nicaragua the formulation of such reservations or the modification, as far as possible, of the national legislation, in cases of conflict.

Declaration of the Delegation of Chile

The delegation of Chile is pleased to offer its warmest congratulations to the eminent and learned jurist of America, Dr. Antonio Sánchez de Bustamante, for the great work he has done in drafting a project of code of private international law, destined to regulate the relations among the Republics of America. This work is a precious contribution to the furthering of juridical Pan Americanism, which all countries of the New World desire to see strengthened and developed. Although this great task of codification can not be accomplished in a brief span of time, because it needs mature thought on the part of the states which are to participate in it, the delegation of Chile will

a participar, la delegación de Chile no será un obstáculo para que esta Conferencia Panamericana apruebe un código de derecho internacional privado; pero salvará su voto en las materias y en los puntos que estime conveniente, en especial, en los puntos referentes a su política tradicional o a su legislación nacional.

not be an obstacle to the approval of a code of private international law by this Pan American Conference; but it will reserve its vote on such matters and questions as it may deem advisable, especially those points relating to the traditional policy or legislation of Chile.

Declaración de la Delegación de Panamá

Al emitir su voto en favor del proyecto de código de derecho internacional privado en la sesión celebrada por esta comisión el día 27 de enero último, la delegación de la República de Panamá manifestó que oportunamente presentaría las reservas que creyere necesarias, si a ello hubiere lugar. Esta actitud de la delegación de Panamá obedeció a ciertas dudas que abrigaba respecto del alcance y extensión de algunas de las disposiciones contenidas en el proyecto, especialmente en lo relativo a la aplicación de la ley nacional del extranjero residente en el país, lo cual habría dado lugar a un verdadero conflicto, ya que en la República de Panamá impera el sistema de la ley territorial desde el momento mismo en que se constituyó como estado independiente. Sin embargo, la delegación panameña estima que todas las dificultades que pudieran presentarse en esta delicada materia han sido previstas y quedarán sabiamente resueltas por medio del artículo séptimo del proyecto, según el cual "cada estado contratante aplicará como leyes personales las del domicilio o las de la nacionalidad, según el sistema que haya adoptado o adopte en lo adelante la legislación interior." Como todos los demás estados que suscriban y ratifiquen la convención respectiva, Panamá quedará, pues, en plena libertad de aplicar su propia ley, que es la territorial.

Entendidas así las cosas, a la delegación de Panamá le es altamente grato declarar, como lo hace en efecto, que le imparte su aprobación al proyecto de código de derecho internacional privado,

Declaration of the Delegation of Panamá

When casting its vote in favor of the project of code of private international law at the meeting of the committee held on January 27 ultimo, the delegation of the Republic of Panamá stated that at an opportune time it would present such reservations as it might deem necessary, should the need arise. This attitude of the delegation of Panamá was due to certain doubts it entertained with reference to the meaning and scope of some of the provisions contained in the project, particularly as regards the application of the national law to foreigners residing in the country, as this would have given rise to a real conflict, because in the Republic of Panamá ever since its establishment as an independent nation, the system of the territorial law has been in force. However, the delegation of Panamá considers that all the difficulties which could possibly arise in this delicate matter have been foreseen and wisely obviated by Article 7 of the project, in accordance with which "each contracting state shall apply as personal law that of the domicile or that of the nationality, or that which its domestic legislation may have prescribed or may hereafter prescribe." As in the case of all other states subscribing and ratifying the convention, Panamá, therefore, will be at full liberty to apply its own law, which is the territorial law.

With matters so understood, it is highly gratifying for the delegation of Panamá to declare, as it does, that it extends its approval without reservations of any kind to the project of code

o al Código Bustamante que es como debería llamarse en homenaje a su autor, sin reservas de ninguna clase.

Declaración de la Delegación de Guatemala

Guatemala ha adoptado en su legislación civil, el sistema del domicilio, pero aunque así no fuera, los artículos conciliatorios del código hacen armonizar perfectamente cualquier conflicto que pudiera suscitarse entre los diferentes estados, según las escuelas diversas a que hayan sido afiliados.

En consecuencia, pues, la delegación de Guatemala se acomoda perfectamente a la modalidad que con tanta ilustración, prudencia, genialidad y criterio científico, campean en el proyecto de código de derecho internacional privado y quiere dejar constancia expresa de su aceptación absoluta y sin reservas de ninguna especie.

of private international law, or Bustamante Code, as it should be called in honor of its author.

Declaration of the Delegation of Guatemala

Guatemala has incorporated into its civil legislation the doctrine of domicile, but even if such were not the case, the conciliatory articles of the code harmonize perfectly any conflict which might arise between different states due to their affiliation with diverse schools.

In consequence, therefore, the delegation of Guatemala is in perfect accord with the method which, with so much wisdom, caution, ingenuity, and scientific judgment, is set forth in the project of code of private international law, and it desires to leave express record of its absolute acceptance of the latter without reservations of any kind.

APÉNDICE 7

CONVENCIÓN

[AVIACIÓN COMERCIAL]

Deseosos los Gobiernos de los Estados de América de fijar las reglas que deben observar entre sí para el comercio aéreo, han acordado establecerlas en una convención, y al efecto han nombrado como plenipotenciarios:

[Los nombres de los plenipotenciarios siguen.]

Los cuales, después de haberse cambiado sus respectivos plenos poderes, que han sido encontrados en buena y debida forma, han convenido lo siguiente:

ARTÍCULO 1

Las altas partes contratantes reconocen que cada estado tiene soberanía completa y exclusiva sobre el espacio aéreo correspondiente a su territorio y a sus aguas territoriales.

ARTÍCULO 2

La presente convención se refiere exclusivamente a las aeronaves privadas.

ARTÍCULO 3

Serán consideradas como aeronaves de estado:

a) Las aeronaves militares y navales;
b) Las aeronaves exclusivamente afectas a un servicio del estado, como el correo, las aduanas y la policía.

Las demás serán consideradas aeronaves privadas.

Todas las aeronaves de estado, excepto las aeronaves militares y navales, de aduana o de policía, serán tratadas como aeronaves privadas, y, como tales, sometidas a todas las disposiciones del presente convenio.

ARTÍCULO 4

Cada uno de los estados contratantes se obliga a conceder en tiempo de paz libertad de paso inofensivo por su espa-

APPENDIX 7

CONVENTION

[COMMERCIAL AVIATION]

The Governments of the American Republics, desirous of establishing the rules they should observe among themselves for aerial traffic, have decided to lay them down in a convention, and to that effect have appointed as their plenipotentiaries:

[Here follow the names of the plenipotentiaries.]

Who, after having exchanged their respective full powers, which have been found to be in good and due form, have agreed upon the following:

ARTICLE 1

The high contracting parties recognize that every state has complete and exclusive sovereignty over the air space above its territory and territorial waters.

ARTICLE 2

The present convention applies exclusively to private aircraft.

ARTICLE 3

The following shall be deemed to be state aircraft:

a) Military and naval aircraft;
b) Aircraft exclusively employed in state service, such as posts, customs, and police.

Every other aircraft shall be deemed to be a private aircraft.

All state aircraft other than military, naval, customs and police aircraft shall be treated as private aircraft and as such shall be subject to all the provisions of the present convention.

ARTICLE 4

Each contracting state undertakes in time of peace to accord freedom of innocent passage above its territory

cio aéreo a las aeronaves privadas de los otros estados contratantes, siempre que se observen las condiciones establecidas en la presente convención. Las reglas establecidas por un estado contratante para la admisión sobre su territorio de las aeronaves que proceden de los demás estados contratantes, deben ser aplicadas sin distinción de nacionalidad.

ARTÍCULO 5

Cada estado contratante tiene el derecho de prohibir, por razones que estime convenientes para el interés público, el vuelo sobre determinadas zonas de su territorio a las aeronaves de los demás estados contratantes y a las aeronaves nacionales privadas utilizadas en el servicio internacional de aviación comercial, con la reserva de que no se hará ninguna distinción a estos respectos entre sus aeronaves privadas ocupadas en el comercio internacional y las de los demás estados contratantes también ocupadas en dicho tráfico. Cada estado contratante podrá además prescribir la ruta que deben seguir las aeronaves de los demás estados, excepto en casos de fuerza mayor que se regirán de acuerdo con las estipulaciones del artículo 18 de esta convención. Cada estado publicará con anticipación y notificará a los otros estados contratantes sobre la fijación de las rutas autorizadas y la situación y extensión de las zonas prohibidas.

ARTÍCULO 6

Toda aeronave que vuele sobre una zona prohibida estará obligada, al apercibirse de ello o al ser notificada por las señales convenidas, a aterrizar o acuatizar lo más pronto que sea posible, fuera de dicha zona en el aeródromo más cercano a la zona prohibida, sobre la que volaba indebidamente y que esté considerado como puerto aéreo internacional y por el estado subyacente.

ARTÍCULO 7

Las aeronaves tendrán la nacionalidad del estado en cuyo registro estén inscritas, no pudiendo ser válidamente registradas en más de un estado.

to the private aircraft of the other contracting states, provided that the conditions laid down in the present convention are observed. The regulations established by a contracting state with regard to admission over its territory of aircraft of other contracting states shall be applied without distinction of nationality.

ARTICLE 5

Each contracting state has the right to prohibit, for reasons which it deems convenient in the public interest, the flight over fixed zones of its territory by the aircraft of the other contracting states and privately owned national aircraft employed in the service of international commercial aviation, with the reservation that no distinction shall be made in this respect between its own private aircraft engaged in international commerce and those of the other contracting states likewise engaged. Each contracting state may furthermore prescribe the route to be followed over its territory by the aircraft of the other states, except in cases of *force majeure* which shall be governed in accordance with the stipulations of Article 18 of this convention. Each state shall publish in advance and notify the other contracting states of the fixation of the authorized routes and the situation and extension of the prohibited zones.

ARTICLE 6

Every aircraft over a prohibited area shall be obliged, as soon as this fact is realized or upon being so notified by the signals agreed upon, to land as soon as possible outside of said area in the airdrome nearest the prohibited area over which it was improperly flying and which is considered as an international airport by the subjacent state.

ARTICLE 7

Aircraft shall have the nationality of the state in which they are registered and can not be validly registered in more than one state.

La inscripción de registro y el certificado de matrícula deberán contener una descripción de la aeronave, e indicarán el número o cualquier otra marca de identidad dada por el constructor del aparato, las marcas de matrícula y de nacionalidad el aeródromo o puerto aéreo habitual de la aeronave, el nombre y apellido, la nacionalidad y el domicilio del propietario así como la fecha de la matrícula.

The registration entry and the certificate of registration shall contain a description of the aircraft and state, the number or other mark of identification given by the constructor of the machine, the registry marks and nationality, the name of the airdrome or airport usually used by the aircraft, and the full name, nationality and domicile of the owner, as well as the date of registration.

Artículo 8

El registro de las aeronaves a que se refiere el artículo anterior se hará de acuerdo con las leyes y disposiciones especiales de cada estado contratante.

Article 8

The registration of aircraft referred to in the preceding article shall be made in accordance with the laws and special provisions of each contracting state.

Artículo 9

Toda aeronave empleada en la navegación internacional deberá llevar una marca distintiva de su nacionalidad. La naturaleza de estas marcas será materia de acuerdo entre los varios estados contratantes, y una vez adoptadas, se comunicarán a la Unión Panamericana y a los otros estados contratantes.

Article 9

Every aircraft engaged in international navigation must carry a distinctive mark of its nationality, the nature of such distinctive mark to be agreed upon by the several contracting states. The distinctive marks adopted will be communicated to the Pan American Union and to the other contracting states.

Artículo 10

Toda aeronave destinada a la navegación internacional llevará, bajo custodia de su comandante:

a) Un certificado de inscripción, debidamente autenticado de acuerdo con las leyes del estado en que hubiere sido registrado;
b) Un certificado de navegabilidad, según se dispone en el artículo 12;
c) El certificado de competencia del comandante, de los pilotos, mecánicos y tripulación, según se dispone en el artículo 13;
d) Si transporta pasajeros, la lista nominal de éstos, su residencia y nacionalidad;
e) Si transporta mercancías, los conocimientos y manifiestos, y todos los demás documentos exigidos por las disposiciones aduanales y reglamentos de cada país:
f) Los cuadernos de bitácora;
g) Si se hallan equipados con aparatos radiotelegráficos, llevarán la correspondiente licencia.

Article 10

Every aircraft engaged in international navigation shall carry with it in the custody of the aircraft commander:

a) A certificate of registration, duly certified to according to the laws of the state in which it is registered;
b) A certificate of airworthiness, as provided for in Article 12;
c) The certificates of competency of the commander, pilots, engineers, and crew, as provided for in Article 13;
d) If carrying passengers, a list of their names, addresses and nationality;
e) If carrying merchandise, the bills of lading and manifests, and all other documents required by customs laws and regulations of each country;
f) Log books;
g) If equipped with radiotelegraph apparatus, the corresponding license.

ARTÍCULO 11

Los estados contratantes deberán comunicar mensualmente a los otros estados partes de esta convención y a la Unión Panamericana copia de los registros y cancelaciones de registro de las aeronaves empleadas en la navegación internacional entre los varios estados contratantes.

ARTÍCULO 12

Toda aeronave destinada a la navegación internacional entre los estados contratantes, deberá estar provista de un certificado de navegabilidad expedido por el estado cuya nacionalidad posee la aeronave.

La certificación dará testimonio ante los estados en los cuales va a operar la aeronave de que, según la opinión de la autoridad que lo expide, la aeronave llena los requisitos de navegabilidad exigidos en los estados mencionados en la certificación.

El comandante de la aeronave tendrá siempre bajo su custodia el certificado y lo facilitará para su inspección y verificación a los representantes autorizados del estado que visite dicha aeronave.

Cada estado contratante comunicará a los otros estados partes de esta convención y a la Unión Panamericana sus reglamentos concernientes a la calificación de navegabilidad de sus aeronaves, así como cualesquiera cambios que se introduzcan en dichos reglamentos.

Aunque los estados afirman el principio de que las aeronaves de cada uno de los estados contratantes tienen libertad para emprender entre sí el comercio aéreo sin sujeción al sistema especial de licencias del estado con el cual hacen el comercio, todos y cada uno de los estados contratantes mencionados en el certificado de navegabilidad se reservan el derecho de rehusar reconocer como válido dicho certificado de navegabilidad de una aeronave extranjera, cuando una inspección hecha por una comisión debidamente autorizada del estado demuestre que al tiempo de la inspección la aeronave carece de condiciones

ARTICLE 11

Each contracting state shall every month file with every other state party to this convention and with the Pan American Union, a copy of all registrations and cancellations of registrations of aircraft engaged in international navigation as between the several contracting states.

ARTICLE 12

Every aircraft engaged in international navigation (between the several contracting states) shall be provided with a certificate of airworthiness issued by the state whose nationality it possesses.

This document shall certify to the states in which the aircraft is to operate, that, according to the opinion of the authority that issues it, such aircraft complies with the airworthiness requirements of each of the states named in said certificate.

The aircraft commander shall at all times hold the certificate in his custody and shall deliver it for inspection and verification to the authorized representatives of the state which said aircraft visits.

Each contracting state shall communicate to the other states parties to this convention and to the Pan American Union its regulations governing the rating of its aircraft as to airworthiness and shall similarly communicate any changes made therein.

While the states affirm the principle that the aircraft of each contracting state shall have the liberty of engaging in air commerce with the other contracting states without being subjected to the licensing system of any state with which such commerce is carried on, each and every contracting state mentioned in the certificate of airworthiness reserves the right to refuse to recognize as valid the certificate of airworthiness of any foreign aircraft where inspection by a duly authorized commission of such state shows that the aircraft is not, at the time of inspection, reasonably airworthy in accordance with the normal requirements

razonables de navegabilidad conforme a los requisitos ordinarios de las leyes y reglamentos de dicho estado concernientes a la seguridad pública.

En tal caso, dicho estado puede rehusarle el permiso para proseguir el viaje a través de su espacio aéreo hasta que, teniendo en consideración la seguridad pública, las condiciones de navegabilidad se declaren satisfactorias, y notificará inmediatamente su decisión al estado cuya nacionalidad posee la aeronave y a la Unión Panamericana.

of the laws and regulations of such state concerning the public safety.

In such cases said state may refuse to permit further transit by the aircraft through its air space until such time as it, with due regard to the public safety, is satisfied as to the airworthiness of the aircraft, and shall immediately notify the state whose nationality the aircraft possesses and the Pan American Union of the action taken.

Artículo 13

El comandante de la aeronave, los pilotos, mecánicos y demás miembros de la tripulación de toda aeronave que practique la navegación internacional entre los varios estados contratantes deberán, de acuerdo con las leyes de cada estado que rijan esta materia, estar provistos de un certificado de competencia expedido por el estado contratante cuya nacionalidad posee la aeronave.

En el certificado o certificados se hará constar que cada piloto, además de haber cumplido con los requisitos exigidos por el estado que lo expide, ha rendido un examen satisfactorio sobre las reglas de tráfico existentes en los otros estados contratantes sobre los que desee circular. Los requisitos de forma de tales documentos serán uniformes en todos los estados contratantes y estarán redactados en los idiomas de todos ellos y a ese fin, la Unión Panamericana queda encargada de efectuar los arreglos necesarios entre los estados contratantes.

Tal certificado o certificados permanecerán en posesión del comandante de la aeronave mientras los pilotos, mecánicos y demás miembros de la tripulación continúen empleados en la aeronave. Al serles devueltos los certificados se dejará copia certificada de ellos en los archivos de la aeronave.

Los certificados podrán ser en cualquier tiempo inspeccionados por los representantes debidamente autorizados de los estados que visite la aeronave.

Article 13

The aircraft commander, pilots, engineers, and other members of the operating crew of every aircraft engaged in international navigation between the several contracting states shall, in accordance with the laws of each state, be provided with a certificate of competency by the contracting state whose nationality the aircraft possesses.

Such certificate or certificates shall set forth that each pilot, in addition to having fulfilled the requirements of the state issuing the same, has passed a satisfactory examination with regard to the traffic rules existing in the other contracting states over which he desires to fly. The requirements of form of said documents shall be uniform throughout all the contracting states and shall be drafted in the language of all of them, and for this purpose the Pan American Union is charged with making the necessary arrangements amongst the contracting states.

Such certificate or certificates shall be held in the possession of the aircraft commander as long as the pilots, engineers and other members of the operating crew concerned continue to be employed on the aircraft. Upon the return of such certificate an authenticated copy thereof shall be retained in the files of the aircraft.

Such certificate or certificates shall be open at all times to the inspection of the duly authorized representatives of any state visited.

Cada uno de los estados contratantes comunicará a los otros estados partes de esta convención y a la Unión Panamericana los reglamentos que fijan la expedición de tales certificados y cualesquiera cambios que se introduzcan en dichos reglamentos.

Each contracting state shall communicate to the other states parties to this convention and to the Pan American Union its regulations governing the issuance of such certificates and shall from time to time communicate any changes made therein.

Artículo 14

Todo los estados contratantes reconocerán la validez de los certificados de competencia del comandante, pilotos, mecánicos y demás miembros de la tripulación de la aeronave, expedidos de acuerdo con las leyes y reglamentos de los otros estados contratantes.

Article 14

Each and every contracting state shall recognize as valid, certificates of competency of the aircraft commander, pilots, engineers and other members of the operating crew of an aircraft, issued in accordance with the laws and regulations of other contracting states.

Artículo 15

El transporte por la vía aérea de los explosivos, armas y municiones de guerra está prohibido en la navegación aérea internacional. Por lo tanto, no se permitirá a ninguna aeronave extranjera o nacional autorizada para el tráfico internacional, transportar artículos de esta naturaleza ni entre puntos situados dentro del territorio de cualquiera de los estados contratantes ni a través de ellos, aun en calidad de simple transito.

Article 15

The carriage by aircraft of explosives, arms and munitions of war is prohibited in international aerial navigation. Therefore, no foreign or native aircraft authorized for international traffic shall be permitted to transport articles of this nature, either between points situated within the territory of any of the contracting states or through the same even though simply in transit.

Artículo 16

Cada estado puede prohibir o reglamentar el transporte o el uso de aparatos fotográficos por las aeronaves que poseen la nacionalidad de los otros estados contratantes. La reglamentación en esta materia que fuere adoptada por cada estado deberá ser comunicada a los demás estados contratantes y a la Unión Panamericana.

Article 16

Each state may prohibit or regulate the carriage or use, by aircraft possessing the nationality of other contracting states, of photographic apparatus. Such regulations as may be adopted by each state concerning this matter shall be communicated to each other contracting state and to the Pan American Union.

Artículo 17

Como medida de seguridad pública o con motivo de prohibiciones legales, el transporte de los objetos en la navegación internacional, distintos de los mencionados en los artículos 15 y 16, podrá ser restringido por cualquiera de los estados contratantes. Estas restricciones serán inmediatamente comunicadas a los demás estados contratantes y a la Unión Panamericana.

Todas las restricciones mencionadas en este artículo serán aplicadas indis-

Article 17

As a measure of public safety or because of lawful prohibitions, the transportation of articles in international navigation other than those mentioned in Articles 15 and 16 may be restricted by any contracting state. Such restrictions shall be immediately communicated to the other contracting states and to the Pan American Union.

All restrictions mentioned in this article shall apply equally to foreign and

tintamente a las aeronaves extranjeras y a las nacionales dedicadas al servicio de tráfico internacional.

ARTÍCULO 18

Toda aeronave que practique la navegación internacional que entrare en el espacio aéreo de un estado contratante con la intención de aterrizar o acuatizar en dicho estado, lo efectuará en el correspondiente aeródromo aduana, excepto en los casos mencionados en el artículo 19 y en caso de fuerza mayor que tiene que ser probada.

Toda aeronave ocupada en la navegación internacional deberá obtener el despacho requerido por las leyes de dicho estado en el puerto designado como punto de salida por el referido estado antes de salir de la jurisdicción territorial de un estado contratante, en el cual haya aterrizado o acuatizado.

Todos y cada uno de los estados contratantes notificarán a los otros estados partes de esta convención y a la Unión Panamericana, cuáles son los puertos aéreos designados como puertos de entrada y salida.

Cuando las leyes o los reglamentos de cualquier estado así lo dispusiesen, ninguna aeronave podrá entrar o salir legalmente de su territorio por lugares distintos a los previamente autorizados por el estado subyacente como puertos aéreos internacionales, y el aterrizaje o acuatizaje sobre de ellos será obligatorio a menos de obtener un permiso especial previamente comunicado a las autoridades de dicho puerto aéreo, por las autoridades competentes del estado a que corresponde el puerto aéreo, en cuyo permiso se expresarán con claridad las caracteristicas de la aeronave que ésta tiene que hacer visibles cuando sea requerida para ello por los medios convenidos anteriormente, en dicho permiso.

En el caso de que por cualquiera razón, después de entrar en la jurisdicción territorial de un estado contratante, una aeronave de otro estado contratante aterrice en un punto distinto del puerto aéreo designado como

national aircraft employed in international traffic.

ARTICLE 18

Every aircraft engaged in international traffic which enters the air space of a contracting state with the intention of landing in said state shall do so in the corresponding customs airdrome, except in the cases mentioned in Article 19 and in case of *force majeure*, which must be proved.

Every aircraft engaged in international navigation, prior to its departure from the territorial jurisdiction of a contracting state in which it has landed, shall obtain such clearance as is required by the laws of such state at a port designated as point of departure by such state.

Each and every contracting state shall notify every other state party to this convention and the Pan American Union of such airports as shall be designated by such state as ports of entry and departure.

When the laws or regulations of any contracting state so require, no aircraft shall legally enter into or depart from its territory through places other than those previously authorized by such state as international airports, and the landing therein shall be obligatory unless a special permit, which has been previously communicated to the authorities of said airport, is obtained from the competent authorities of said state, in which permit shall be clearly expressed the distinctive marks which the aircraft is obliged to make visible whenever requested to do so in the manner previously agreed upon in said permit.

In the event that for any reason, after entering the territorial jurisdiction of a contracting state, aircraft of another contracting state should land at a point other than an airport designated as a port of entry in that state

puerto de entrada en dicho estado, el comandante de la aeronave notificará inmediatamente a la autoridad más próxima y permanecerá el mismo, y la tripulación, pasajeros y carga en el lugar del aterrizaje hasta que la autoridad competente le haya concedido la entrada, siempre que la comunicación con ésta pudiere efectuarse dentro de veinticuatro horas.

Cuando por alguna causa sea necesario, la aeronave de uno de los estados contratantes deberá aterrizar o acuatizar tan luego como se le ordene por medio de las señales reglamentarias.

En los casos previstos en este artículo, la aeronave, su comandante, tripulación, pasajeros y carga quedarán sujetos a la inspección de inmigración, aduanas, policía, cuarentenas o sanidad que los representantes debidamente autorizados de dicho estado hagan conforme a las leyes del estado sobre el cual se vuela.

ARTÍCULO 19

Como excepción a las disposiciones generales las aeronaves postales y las pertenecientes a compañías de transportes aéreos debidamente constituídas y autorizadas, podrán ser exoneradas a opción del estado subyacente de aterrizar o acuatizar en el aeródromo o puerto aéreo designado para su entrada, y permitírseles aterrizar en ciertos aeródromos en el interior designados para ese efecto por las autoridades de aduanas y policía de dicho estado, en el cual deben cumplirse las formalidades de aduana.

Tales aeronaves, sin embargo, deberán seguir la ruta aérea normal y deberán hacerse reconocer cuando atraviesen la frontera, por medio de las señales convenidas.

ARTÍCULO 20

Desde el aterrizaje o acuatizaje en cualquier punto hasta la partida de una aeronave extranjera, las autoridades del estado visitado tendrán en todo caso el derecho de visitar y examinar la

the aircraft commander shall immediately notify the nearest competent authority and hold himself, crew, passengers and cargo at the point of landing until proper entry has been granted by such competent authority, unless communication therewith is impracticable within twenty-four hours.

Aircraft of one of the contracting states which flies over the territory of another contracting state shall be obliged to land as soon as ordered to do so by means of the regulation signals, when for any reason this may be necessary.

In the cases provided for in this article, the aircraft, aircraft commander, crew, passengers and cargo shall be subject to such immigration, emigration, customs, police, quarantine or sanitary inspection as the duly authorized representatives of the subjacent state may make in accordance with its laws.

ARTICLE 19

As an exception to the general rules, postal aircraft and aircraft belonging to aerial transport companies regularly constituted and authorized may be exempted, at the option of the subjacent state, from the obligation of landing at an airdrome designated as a port of entry and authorized to land at certain inland airdromes, designated by the customs and police administration of such state, at which customs formalities shall be complied with. The departure of such aircraft from the state visited may be regulated in a similar manner.

However, such aircraft shall follow the normal air route, and make their identity known by signals agreed upon as they fly across the frontier.

ARTICLE 20

From the time of landing of a foreign aircraft at any point whatever until its departure the authorities of the state visited shall have, in all cases, the right to visit and examine the aircraft and

aeronave y de verificar todos los documentos de que debe estar provista, con el objeto de comprobar si han sido cumplidas todas las leyes y reglamentos de dicho estado y todas las estipulaciones de la presente convención.

ARTÍCULO 21

Se permitirá a las aeronaves de los estados contratantes ocupadas en el comercio aéreo internacional desembarcar pasajeros y parte de la carga en uno de los puertos aéreos designados como puertos de entrada, y proseguir su viaje a otro u otros puertos aéreos de dicho estado con el objeto de desembarcar el resto de los pasajeros y carga, así como también de embarcar pasajeros y carga destinados a otro estado o estados extranjeros, siempre que llenen los requisitos legales que exijan las leyes del país donde efectúen el tráfico, cuyos requisitos legales serán iguales para las aeronaves nacionales y extranjeras dedicadas al tráfico internacional y las cuales se comunicarán oportunamente a los estados contratantes y a las oficinas de la Unión Panamericana.

ARTÍCULO 22

Cada estado contratante tendrá el derecho de establecer en favor de sus aeronaves nacionales reservas y restricciones relativas al transporte comercial de personas y mercancías entre dos o más puntos de su territorio y concernientes a otros trabajos aéreos remunerados ejecutados enteramente dentro de su territorio. Estas reservas y restricciones serán inmediatamente publicadas y comunicadas a los demás estados contratantes y a la Unión Panamericana.

ARTÍCULO 23

El establecimiento y operación de los aeródromos serán regulados por la legislación de cada país, observándose en este respecto un trato de igualdad.

ARTÍCULO 24

Las aeronaves de uno de los estados contratantes ocupadas en el comercio internacional con otro de los estados

to verify all documents with which it must be provided, in order to determine that all the laws, rules and regulations of such states and all the provisions of this convention are complied with.

ARTICLE 21

The aircraft of a contracting state engaged in international air commerce shall be permitted to discharge passengers and a part of its cargo at one of the airports designated as a port of entry of any other contracting state, and to proceed to any other airport or airports in such state for the purpose of discharging the remaining passengers and portions of such cargo and in like manner to take on passengers and load cargo destined for a foreign state or states, provided that they comply with the legal requirements of the country over which they fly, which legal requirements shall be the same for native and foreign aircraft engaged in international traffic and shall be communicated in due course to the contracting states and to the Pan American Union.

ARTICLE 22

Each contracting state shall have the right to establish reservations and restrictions in favor of its own national aircraft in regard to the commercial transportation of passengers and merchandise between two or more points in its territory, and to other remunerated aeronautical operations wholly within its territory. Such reservations and restrictions shall be immediately published and communicated to the other contracting states and to the Pan American Union.

ARTICLE 23

The establishment and operation of airdromes will be regulated by the legislation of each country, equality of treatment being observed.

ARTICLE 24

The aircraft of one contracting state engaged in international commerce with another contracting state

contratantes no podrán ser obligadas a pagar distintos o mayores derechos de puerto aéreo o en los puertos aéreos o aeródromos abiertos al servicio público que los que pagan las aeronaves nacionales del estado visitado, destinadas también al comercio internacional.

ARTÍCULO 25

Siempre que un estado contratante no haya establecido reglas adecuadas, el comandante de una aeronave tendrá derechos y deberes análogos a los del capitán de un buque mercante, según las leyes respectivas de cada estado.

ARTÍCULO 26

En lo que concierne al salvamento de la aeronave que naufragara en el mar, se aplicarán los principios del derecho marítimo, en ausencia de otro arreglo en contrario.

ARTÍCULO 27

Las aeronaves de todos los estados tendrán derecho, en los casos de peligro, a todo el auxilio posible.

ARTÍCULO 28

La reparación del daño causado a las personas o a las cosas en el territorio del estado subyacente se rige por las leyes de dicho estado.

ARTÍCULO 29

En caso de guerra, las estipulaciones de la presente convención no afectarán la libertad de acción de los estados contratantes, así en su condición de beligerantes como de neutrales.

ARTÍCULO 30

Los estados contratantes tendrán el derecho de concluir convenciones o acuerdos especiales con uno o más estados sobre navegación aérea internacional, siempre que tales convenciones o acuerdos no afecten los derechos adquiridos u obligaciones impuestas por la presente convención a los estados contratantes. Entendiéndose, sin embargo, que dos o más estados, por razones de conveniencia e interés recíproco pueden convenir los corres-

shall not be compelled to pay other or higher charges in airports or airdromes open to the public than would be paid by national aircraft of the state visited, likewise engaged in international commerce.

ARTICLE 25

So long as a contracting state shall not have established appropriate regulations, the commander of an aircraft shall have rights and duties analogous to those of the captain of a merchant steamer, according to the respective laws of each state.

ARTICLE 26

The salvage of aircraft lost at sea shall be regulated, in the absence of any agreement to the contrary, by the principles of maritime law.

ARTICLE 27

The aircraft of all states shall have the right, in cases of danger, to all possible aid.

ARTICLE 28

Reparations for damages caused to persons or property located in the subjacent territory shall be governed by the laws of each state.

ARTICLE 29

In case of war the stipulations of the present convention shall not affect the freedom of action of the contracting states either as belligerents or as neutrals.

ARTICLE 30

The right of any of the contracting states to enter into any convention or special agreement with any other state or states concerning international aerial navigation is recognized, so long as such convention or special agreement shall not impair the rights or obligations of any of the states parties to this convention, acquired or imposed herein; provided, however, that two or more states, for reasons of reciprocal convenience and interest may agree upon

pondientes reglamentos en relación con la operación de las aeronaves y la fijación de rutas determinadas. Estos reglamentos en ningún caso evitarán el establecimiento y funcionamiento de líneas y terminales aéreos de posibilidad práctica. Tales reglamentos garantizarán la igualdad de tratamiento de las aeronaves de todos y cada uno de los estados contratantes y quedarán sujetos a las mismas condiciones establecidas por el Artículo 5 de esta convención respecto a las zonas prohibidas dentro del territorio de un estado determinado.

Ninguna de las estipulaciones de esta convención afectará los derechos y obligaciones establecidos en tratados vigentes.

ARTÍCULO 31

Las altas partes contratantes se obligan, hasta donde sea posible, a cooperar en las medidas interamericanas en relación con:

a) La centralización y distribución de informes meteorológicos, ya fueren estadísticos, corrientes o especiales;

b) La publicación de cartas aeronáuticas uniformes, tanto como el establicimiento de un sistema uniforme de señales;

c) El uso de la radiotelegrafía en la navegación aérea, el establecimiento de las estaciones radiotelegráficas necesarias y la observación de los reglamentos interamericanos e internacionales sobre radiotelegrafía o las convenciones existentes en la actualidad o que se concertaren en lo futuro.

ARTÍCULO 32

Los estados contratantes procurarán, hasta donde sea posible, la uniformidad de las leyes y reglamentos que rigen la navegación aérea. La Unión Panamericana cooperará con los gobiernos de los estados contratantes para alcanzar la deseada uniformidad de las leyes y reglamentos de la navegación aérea en los estados partes de esta convención.

appropriate regulations pertaining to the operation of aircraft and the fixing of specified routes. These regulations shall in no case prevent the establishment and operation of practicable inter-American aerial lines and terminals. These regulations shall guarantee equality of treatment of the aircraft of each and every one of the contracting states and shall be subject to the same conditions as are set forth in Article 5 of this convention with respect to prohibited areas within the territory of a particular state.

Nothing contained in this convention shall affect the rights and obligations established by existing treaties.

ARTICLE 31

The contracting states obligate themselves in so far as possible to cooperate in inter-American measures relative to:

a) The centralization and distribution of meteorological information, whether statistical, current or special;

b) The publication of uniform aeronautical charts, as well as the establishment of a uniform system of signals;

c) The use of radiotelegraph in aerial navigation, the establishment of the necessary radiotelegraph stations and the observance of the inter-American and international radiotelegraph regulations or conventions at present existing or which may come into existence.

ARTICLE 32

The contracting states shall procure as far as possible uniformity of laws and regulations governing aerial navigation. The Pan American Union shall cooperate with the governments of the contracting states to attain the desired uniformity of laws and regulations for aerial navigation in the states parties to this convention.

Cada estado contratante canjeará con todos los demás estados contratantes, dentro de tres meses después de la firma de la ratificación de esta convención, copias de sus reglamentos sobre el tráfico aéreo y requisitos respecto a la competencia de los comandantes de las aeronaves, pilotos, mecánicos y demás miembros de la tripulación, y los requisitos de navegabilidad de las aeronaves que se han de utilizar en el comercio internacional.

Cada estado contratante depositará con todos los demás estados partes de esta convención, y con la Unión Panamericana, tres meses antes de la fecha fijada para su vigencia, las adiciones o enmiendas que hubieren hecho a los reglamentos mencionados en el párrafo que precede.

Artículo 33

Cada estado contratante depositará su ratificación con el Gobierno de Cuba, el que seguidamente procederá a informar a los demás estados contratantes. Dichas ratificaciones quedarán depositadas en los archivos del Gobierno de Cuba.

Artículo 34

La presente convención entrará en vigor para cada uno de los estados que la vaya ratificando con respecto a los otros países que la hayan ya ratificado cuarenta días después de que se haya efectuado el depósito de su ratificación.

Artículo 35

Cualquier estado podrá adherirse a esta convención mediante comunicación de su intención al Gobierno de Cuba, y dicha adhesión surtirá efecto dentro de los cuarenta días siguientes. El Gobierno de Cuba notificará a los demás estados signatarios dicha adhesión.

Artículo 36

En caso de desacuerdo entre dos estados contratantes con respecto a la interpretación o ejecución de la presente convención, el motivo del desacuerdo, a petición de uno de los gobiernos en discordia, será sometido al arbitraje dispuesto más adelante. Cada uno de

Each contracting state shall exchange with every other contracting state within three months after the date of ratification of this convention copies of its air-traffic rules and requirements as to competency for aircraft commanders, pilots, engineers, and other members of the operating crew, and the requirements for airworthiness of aircraft intended to engage in international commerce.

Each contracting state shall deposit with every other state party to this convention and with the Pan American Union three months prior to the date proposed for their enforcement any additions to or amendments of the regulations referred to in the last preceding paragraph.

Article 33

Each contracting state shall deposit its ratification with the Cuban Government, which shall thereupon inform the other contracting states. Such ratification shall remain deposited in the archives of the Cuban Government.

Article 34

The present convention will come into force for each signatory state ratifying it in respect to other states which have already ratified, forty days from the date of deposit of its ratification.

Article 35

Any state may adhere to this convention by giving notice thereof to the Cuban Government, and such adherence shall be effective forty days thereafter. The Cuban Government shall inform the other signatory states of such adherence.

Article 36

In case of disagreement between two contracting states regarding the interpretation or execution of the present convention the question shall, on the request of one of the governments in disagreement, be submitted to arbitration as hereinafter provided. Each of

los gobiernos en discordia escogerá a otro gobierno que no esté interesado en la materia a discutir y este gobierno actuará como árbitro en la disputa. En el caso de que los dos árbitros no lleguen a un acuerdo nombrarán a otro gobierno no interesado en la cuestión para que actúe como árbitro adicional. Si los dos árbitros no pudieren llegar a un acuerdo sobre el nombramiento del tercer gobierno, cada árbitro propondrá a un gobierno no interesado en la disputa y se sorteará el puesto de árbitro adicional entre los dos gobiernos propuestos. El sorteo se efectuará por el Consejo Directivo de la Unión Panamericana.

La decisión de los árbitros se dará por mayoría de votos.

ARTÍCULO 37

Cada estado contratante podrá denunciar esta convención en todo tiempo dando el correspondiente aviso al Gobierno de Cuba, el que lo comunicará a los demás estados partes de esta convención. La denuncia no tendrá efecto sino seis meses después de que haya sido hecha la notificación al Gobierno de Cuba y no surtirá efecto sino con respecto al país que haga la denuncia.

En fe de lo cual los plenipotenciarios y delegados firman la presente convención bajo el sello de la Sexta Conferencia Internacional Americana.

RESERVA DE LA DELEGACIÓN DE LA REPÚBLICA DOMINICANA

La delegación de la República Dominicana, como explicación de su voto, hace constar que al suscribir la presente convención, ella no entiende que la República Dominicana se desliga de convenciones que ya ha ratificado y que están vigentes.

the governments involved in the disagreement shall choose another government not interested in the question at issue and the government so chosen shall arbitrate the dispute. In the event the two arbitrators cannot reach an agreement they shall appoint another disinterested government as additional arbitrator. If the two arbitrators cannot agree upon the choice of this third government, each arbitrator shall propose a government not interested in the dispute and lots shall be drawn between the two governments proposed. The drawing shall devolve upon the Governing Board of the Pan American Union.

The decision of the arbitrators shall be by majority vote.

ARTICLE 37

Any contracting state may denounce this convention at any time by transmitting notification thereof to the Cuban Government, which shall communicate it to the other states parties to this convention. Such denunciation shall not take effect until six months after notification thereof to the Cuban Government, and shall take effect only with respect to the state making the denunciation.

In witness whereof, the abovenamed plenipotentiaries have signed this convention and the seal of the Sixth International Conference of American States has been hereto affixed.

RESERVATION OF THE DOMINICAN REPUBLIC

The delegation of the Dominican Republic records, as an explanation of its vote, that upon signing the present convention it does not understand that the Dominican Republic dissociates itself from conventions it has already ratified and which are in force.

APÉNDICE 8

CONVENCIÓN

[MODIFICACIONES A LA CONVENCIÓN SOBRE PROPIEDAD LITERARIA Y ARTÍSTICA DE BUENOS AIRES]

Los países miembros de la Unión Panamericana, representados en la Sexta Conferencia Internacional Americana de la Habana, enviaron a ella, debidamente autorizados para aprobar las recomendaciones, resoluciones, convenciones y tratados que juzgaren útiles a los intereses de América, a los siguientes señores delegados:

[Los nombres de los delegados siguen.]

Quienes después de haberse comunicado sus respectivos poderes y encontrándolos en buena y debida forma, han acordado modificar la convención sobre protección a la propiedad literaria y artística, firmada en Buenos Aires el 11 de agosto de 1910.

Artículo 1

(Subsistente)

Artículo 2

En la expresión "obras literarias y artísticas" se comprenden los libros, escritos, folletos de todas clases, cualquiera que sea la materia de que traten y cualquiera que sea el número de sus páginas; las obras dramáticas o dramático-musicales; las coreográficas; las composiciones musicales, con o sin palabras; los dibujos, las pinturas, las esculturas, los grabados, las litografías; las obras fotográficas, cinematográficas, las reproducciones por medio de instrumentos mecánicos destinados a la audición de los sonidos, las esferas astronómicas o geográficas; los planos, croquis o trabajos plásticos relativos a geografía, geología o topografía, arquitectura o cualquier ciencia, así como las artes aplicadas a cualquier actividad humana; y, en fin, queda comprendida toda producción que pueda publicarse por cualquier medio de impresión o reproducción.

APPENDIX 8

CONVENTION

[REVISION OF THE CONVENTION OF BUENOS AIRES REGARDING LITERARY AND ARTISTIC COPYRIGHT]

The countries members of the Pan American Union, represented at the Sixth International Conference of American States, sent to it the following delegates duly authorized to approve any recommendations, resolutions, conventions and treaties which they might deem useful to the interests of America:

[Here follow the names of the delegates.]

Who, after communicating to one another their respective powers and finding them in good and due order, have agreed to revise the convention on the protection of literary and artistic copyright, signed in Buenos Aires on August 11, 1910.

Article 1

(To stand)

Article 2

In the expression "literary and artistic works" are included books, writings, pamphlets of all kinds, whatever may be the subject they deal with and whatever the number of their pages; dramatic or dramatico-musical works; choreographic and musical compositions, with or without words; drawings, paintings, sculpture, engravings, lithographic, photographic and cinematographic works, or reproductions by means of mechanical instruments designed for the reproduction of sounds; astronomical or geographical globes; plans, sketches or plastic works relating to geography, geology, or topography, architecture or any other science as well as the arts applied to any human activity whatever; and, finally, all productions that can be published by any means of impression or reproduction.

ARTÍCULO 3

El reconocimiento del derecho de propiedad obtenido en un estado, de conformidad con sus leyes, surtirá de pleno derecho sus efectos en todos los demás, siempre que aparezca en la obra cualquier manifestación que indique la reserva de la propiedad y el nombre de la persona en cuyo favor esa reserva se halla registrada. Asimismo deberá indicarse el país de origen, aquel donde se hubiere efectuado la primera publicación, o aquellos donde se hubieran hecho publicaciones simultáneas, así como el año de la primera publicación.

ARTÍCULO 4

(Subsistente)

ARTÍCULO 4 *bis*

Los autores de obras literarias o artísticas tienen el derecho exclusivo de autorizar la reproducción, la adaptación y la presentación pública de su obras por la cinematografía.

Sin perjuicio de los derechos del autor de la obra original, la reproducción por la cinematografía de una obra literaria o artística, será protegida como obra original.

ARTÍCULO 5

Los autores de obras literarias y musicales tienen derecho exclusivo de autorizar: 1) La adaptación de dichas obras a instrumentos que sirvan para repoducirlas mecánicamente; 2) la ejecución pública de las mismas obras, por medio de dichos instrumentos.

ARTÍCULO 5 *bis*

(Subsistente, por ser el antiguo artículo 5)

ARTÍCULO 6

La duración de la protección acordada por la presente convención comprende la vida del autor y cincuenta años después de su muerte.

Sin embargo, en el caso de que este período de duración no fuere adoptado por todos los estados signatarios, de un modo uniforme, aquél será reglamentado por la ley del país en donde

ARTICLE 3

The acknowledgment of a copyright obtained in one state, in conformity with its laws, shall produce its effects of full right in all the other states, without the necessity of complying with any other formality, provided always there shall appear in the work a statement that indicates the reservation of the property right, and the name of the person in whose favor the reservation is registered. Likewise the country of origin, the country in which the first publication was made, or those in which simultaneous publications were made, as well as the year of the first publication, must be indicated.

ARTICLE 4

(To stand)

ARTICLE 4 *bis*

The authors of literary or artistic works have the exclusive right to authorize the reproduction, adaptation and public presentation of their works by means of cinematography.

Without prejudice to the rights of the author of the original work, reproduction by means of cinematography of a literary or artistic work shall be protected as an original work.

ARTICLE 5

The authors of literary and musical works have the exclusive right to authorize: (1) The adaptation of said works to instruments that serve to reproduce them mechanically; (2) the public rendering of the same works by means of said instruments.

ARTICLE 5 *bis*

(To stand as in the old Article 5)

ARTICLE 6

The duration of the protection granted by this convention embraces the life of the author and fifty years after his death.

However, in case this duration period shall not be adopted by all the signatory states in a uniform manner, the period shall be regulated by the law of the country where the protection is re-

la protección es pedida y no podrá exceder la duración fijada por el país de origen de la obra. Por consiguiente, los países signatarios no estarán obligados a aplicar la dispocisión del párrafo precedente sino en la medida que se lo permitan sus leyes internas.

Para las obras compuestas de varios volúmenes que no se publiquen juntamente, del mismo modo que para los boletines o entregas o publicaciones periódicas, el plazo de propiedad comenzará a contarse respecto de cada volumen, boletín o entrega o publicación periódica, desde la respectiva fecha de su publicación.

quested and may not exceed the period of duration fixed by the country of origin of the work. Therefore, the signatory countries shall not be obliged to apply the provision of the preceding paragraph except in so far as their internal laws permit.

For works comprising several volumes that are not published simultaneously, as well as for bulletins, or parts, or periodical publications, the term of the copyright will commence to run, with respect to each volume, bulletin, part, or periodical publication from the respective date of its publication.

Artículo 7

(Subsistente)

Artículo 8

(Subsistente)

Artículo 9

(Subsistente)

Artículo 10

(Subsistente)

Artículo 11

(Subsistente)

Artículo 12

(Subsistente)

Artículo 13

(Subsistente)

Artículo 13 *bis*

Los autores de obras literarias o artísticas al cederles en pleno ejercicio de su derecho de propiedad, no ceden sino el derecho de goce y el de la reproducción. Conservarán sobre ellas un derecho moral de control inalienable, que les permitirá oponerse a toda reproducción o exhibición pública de sus obras, alteradas, mutiladas o modificadas.

Artículo 14

(Subsistente)

Artículo 15

(Subsistente)

Artículo 16

La presente convención reemplazará entre los estados contratantes la convención de Buenos Aires, de 11 de

Article 7

(To stand)

Article 8

(To stand)

Article 9

(To stand)

Article 10

(To stand)

Article 11

(To stand)

Article 12

(To stand)

Article 13

(To stand)

Article 13 *bis*

The authors of literary or artistic works in disposing of them pursuant to their copyrights do not cede the right of enjoyment and of reproduction. They shall hold upon said works a moral right of inalienable control which will permit them to oppose any public reproduction or exhibition of their altered, mutilated or revised works.

Article 14

(To stand)

Article 15

(To stand)

Article 16

The present convention shall replace between the contracting states the Buenos Aires convention of August 11,

agosto de 1910. Esta quedará en vigor en las relaciones de los estados que no ratificaren la presente convención.

Los estados signatarios de la presente convención podrán, al cambiarse las ratificaciones, declarar qué entienden sobre tal o cual punto, permanecer ligados por las disposiciones de las convenciones anteriores que hubieran suscrito.

ARTÍCULO 17

La presente convención comenzará a regir entre los estados signatarios que la ratifiquen, tres meses después de que comuniquen su ratificación al Gobierno de Cuba, y permanecerá en vigor entre todos ellos hasta un año después de la fecha de la denuncia. Esta denuncia será dirigida al Gobierno cubano y no tendrá efecto sino respecto del país que la haya hecho.

RESERVA DE LA DELEGACIÓN DE CHILE

La delegación de Chile acepta en general la modificación de la convención de Buenos Aires que se acaba de aprobar, pero debe hacer reserva respecto de los puntos en que esta convención modificada se halla en oposición con la legislación vigente en Chile.

Esta reserva no disminuye nuestro anhelo de alcanzar la adopción de principios jurídicos que amparen por igual en todos los países de América la propiedad intelectual.

RESERVA DE LA DELEGACIÓN DE VENEZUELA

La delegación de Venezuela reserva la firma de esta convención hasta el momento que su Gobierno resuelva de un modo concreto acerca de ella, porque tanto la convención de Buenos Aires, que Venezuela no solo no ha ratificado sino que su Congreso expresamente negó, como ésta, contienen disposiciones contrarias a nuestra tradición jurídica y a nuestras leyes positivas sobre la materia.

1910. The latter shall remain in effect as to the relations of the states that do not ratify the present convention.

The signatory states of the present convention shall be at liberty, upon exchanging ratifications, to declare that upon this or that point they understand that they shall be bound by the provisions of any previous convention which they may have signed.

ARTICLE 17

The present convention shall take effect, between the signatory states which ratify the same, three months after they communicate their ratification to the Government of Cuba, and shall remain in effect between all of them until one year after the date of denouncement. This denouncement shall be sent to the Government of Cuba and shall have no effect, except with regard to the country that has made such denouncement.

RESERVATION OF THE DELEGATION OF CHILE

The delegation of Chile accepts in general the modification of the convention of Buenos Aires which has just been approved, but must formulate a reservation in regard to the points in which this modified convention is opposed to the legislation in force in Chile.

This reservation does not diminish our earnest desire of attaining the adoption of juridical principles which give equal protection to intellectual property in all countries of America.

RESERVATION OF THE DELEGATION OF VENEZUELA

The delegation of Venezuela reserves the signing of this convention until such time as its Government shall reach a definite decision with regard to it, since the convention of Buenos Aires, which Venezuela not only did not ratify but which its Congress expressly rejected, as well as the present convention, contains provisions which are contrary to our juridical tradition and to our positive laws on the matter.

APÉNDICE 9

CONVENCIÓN

[CONDICIÓNES DE LOS EXTRANJEROS]

Los Gobiernos de las Repúblicas representadas en la Sexta Conferencia Internacional Americana celebrada en la ciudad de la Habana, República de Cuba, el año de 1928;

Han resuelto celebrar una convención, con el fin de determinar la condición de los extranjeros en sus respectivos territorios, y a ese efecto han nombrado como plenipotenciarios a los señores siguientes:

[Los nombres de los plenipotenciarios siguen.]

Quienes, después de haber depositado sus plenos poderes, hallado en buena y debida forma, han acordado las siguientes disposiciones:

ARTÍCULO 1

Los estados tienen el derecho de establecer por medio de leyes las condiciones de entrada y residencia de los extranjeros en sus territorios.

ARTÍCULO 2

Los extranjeros están sujetos, tanto como los nacionales, a la jurisdicción y leyes locales, observando las limitaciones estipuladas en las convenciones y tratados.

ARTÍCULO 3

Los extranjeros no pueden ser obligados al servicio militar; pero los domiciliados, a menos que prefieran salir del país, podrán ser compelidos, en las mismas condiciones que los nacionales, al servicio de policía, bomberos o milicia para la protección de la localidad de sus domicilios contra catástrofes naturales o peligros que no provengan de guerra.

ARTÍCULO 4

Los extranjeros están obligados a las contribuciones ordinarias o extraordinarias, así como a los empréstitos forzosos, siempre que tales medidas alcancen a la generalidad de la población.

APPENDIX 9

CONVENTION

[STATUS OF ALIENS]

The Governments of the Republics represented at the Sixth International Conference of American States, held in the city of Habana, Republic of Cuba, in the year 1928;

Have decided to conclude a convention for the purpose of determining the status of aliens within their repective territories and to that end have appointed the following plenipotentiaries:

[Here follow the names of the plenipotentiaries.]

Who, after depositing their full powers, which were found to be in good and due form, have agreed upon the following provisions:

ARTICLE 1

States have the right to establish by means of laws the conditions under which foreigners may enter and reside in their territory.

ARTICLE 2

Foreigners are subject as are nationals to local jurisdiction and laws, due consideration being given to the limitations expressed in conventions and treaties.

ARTICLE 3

Foreigners may not be obliged to perform military service; but those foreigners who are domiciled, unless they prefer to leave the country, may be compelled, under the same conditions as nationals, to perform police, fire-protection, or militia duty for the protection of the place of their domicile against natural catastrophes or dangers not resulting from war.

ARTICLE 4

Foreigners are obliged to make ordinary or extraordinary contributions, as well as forced loans, always provided that such measures apply to the population generally.

ARTÍCULO 5

Los estados deben reconocer a los extranjeros domiciliados o transeuntes en su territorio todas las garantías individuales que reconocen a favor de sus propios nacionales y el goce de los derechos civiles esenciales, sin perjuicio, en cuanto concierne a los extranjeros, de las prescripciones legales relativas a la extensión y modalidades del ejercicio de dichos derechos y garantías.

ARTÍCULO 6

Los estados pueden, por motivo de orden o de seguridad pública, expulsar al extranjero domiciliado, residente o simplemente de paso por su territorio.

Los estados están obligados a recibir a los nacionales que, expulsados del extranjero, se dirijan a su territorio.

ARTÍCULO 7

El extranjero no debe inmiscuirse en las actividades políticas privativas de los ciudadanos del país en que se encuentre; si lo hiciere, quedará sujeto a las sanciones previstas en la legislación local.

ARTÍCULO 8

La presente convención no afecta los compromisos adquiridos anteriormente por las partes contratantes en virtud de acuerdos internacionales.

ARTÍCULO 9

La presente convención, después de firmada será sometida a las ratificaciones de los estados signatarios. El Gobierno de Cuba queda encargado de enviar copias certificadas auténticas a los gobiernos para el referido fin de la ratificación. El instrumento de ratificación será depositado en los archivos de la Unión Panamericana en Wáshington, quien notificará ese depósito a los gobiernos signatarios; tal ratificación valdrá como canje de ratificaciones. Esta convención quedará abierta a la adhesión de los estados signatarios.

En fe de lo cual los plenipotenciarios expresados firman la presente conven-

ARTICLE 5

States should extend to foreigners, domiciled or in transit through their territory, all individual guaranties extended to their own nationals, and the enjoyment of essential civil rights without detriment, as regards foreigners, to legal provisions governing the scope of and usages for the exercise of said rights and guaranties.

ARTICLE 6

For reasons of public order or safety, states may expel foreigners domiciled, resident, or merely in transit through their territory.

States are required to receive their nationals expelled from foreign soil who seek to enter their territory.

ARTICLE 7

Foreigners must not mix in political activities, which are the exclusive province of citizens of the country in which they happen to be; in cases of such interference, they shall be liable to the penalties established by local law.

ARTICLE 8

The present convention does not affect obligations previously undertaken by the contracting parties through international agreements.

ARTICLE 9

After being signed, the present convention shall be submitted to the ratification of the signatory states. The Government of Cuba is charged with transmitting authentic certified copies to the governments for the aforementioned purpose of ratification. The instrument of ratification shall be deposited in the archives of the Pan American Union in Washington, the Union to notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications. This convention shall remain open to the adherence of nonsignatory states.

In witness whereof, the aforenamed plenipotentiaries sign the present con-

ción en español, inglés, francés y portugués, en la ciudad de la Habana, el día 20 de febrero de 1928.

vention in Spanish, English, French, and Portuguese, in the city of Habana, the 20th day of February, 1928.

Reserva de la Delegación de los Estados Unidos de América

La delegación de los Estados Unidos de América firma la presente convención haciendo expresa reserva al artículo 3 de la misma, que se refiere al servicio militar de los extranjeros en caso de guerra.

Reservation of the Delegation of the United States of America

The delegation of the United States of America signs the present convention making express reservation to Article 3 of the same, which refers to military service of foreigners in case of war.

APÉNDICE 10

CONVENCIÓN

[TRATADOS]

Deseando los Gobiernos de los Estados de América fijar con claridad las reglas que deben regir los tratados que suscriban entre ellos, han acordado establecerlas en una convención, y al efecto han nombrado como plenipotenciarios a los señores siguientes:

[Los nombres de los plenipotenciarios siguen.]

Quienes, habiéndose cambiado sus respectivos plenos poderes y habiéndolos hallado en buena y debida forma, han convenido lo siguiente:

Artículo 1

Los tratados serán celebrados por los poderes competentes de los estados o por sus representantes, según su derecho interno respectivo.

Artículo 2

Es condición esencial en los tratados la forma escrita. La confirmación, prórroga, renovación o reconducción, serán igualmente hechas por escrito, salvo si otra cosa se hubiera estipulado.

Artículo 3

La interpretación auténtica de los tratados, cuando las partes contratantes las juzguen necesarias, será también formulada por escrito.

Artículo 4

Los tratados serán publicados inmediatamente después del canje de las ratificaciones.

La omisión en el cumplimiento de esta obligación internacional no afectará la vigencia de los tratados, ni la exigibilidad de las obligaciones contenidas en ellos.

Artículo 5

Los tratados no son obligatorios sino después de ratificados por los estados contratantes, aunque esta cláusula no conste en los plenos poderes de los negociadores ni figure en el mismo tratado.

APPENDIX 10

CONVENTION

[TREATIES]

The governments of the American States being desirous of clearly fixing the rules which must govern the treaties they may sign among themselves, have decided to establish them in a convention, and to that end have appointed the following plenipotentiaries:

[Here follow the names of the plenipotentiaries.]

Who, having exchanged their respective full powers and found them to be in good and due form, have agreed on the following:

Article 1

Treaties will be concluded by the competent authorities of the states or by their representatives, according to their respective internal law.

Article 2

The written form is an essential condition of treaties.

The confirmation, prorogation, renewal or continuance, shall also be made in writing unless other stipulations have been made.

Article 3

The authentic interpretation of treaties, when considered necessary by the contracting parties, shall likewise be in writing.

Article 4

Treaties shall be published immediately after exchange of ratifications. The failure to discharge this international duty shall affect neither the force of treaties nor the fulfilment of obligations stipulated therein.

Article 5

Treaties are obligatory only after ratification by the contracting states, even though this condition is not stipulated in the full powers of the negotiators or does not appear in the treaty itself.

ARTÍCULO 6

La ratificación debe ser otorgada sin condiciones y comprender todo el tratado. Será hecha por escrito, de conformidad con la legislación del estado.

Si el estado que ratifica hace reservas al tratado, éste entrará en vigor desde que informada de estas reservas, la otra parte contratante las aceptare expresamente o no habiéndolas rechazado formalmente ejecutare actos que impliquen su aceptación.

En los tratados internacionales celebrados entre diversos estados, la reserva hecha por uno de ellos en el acto de la ratificación, solo afecta a la aplicación de la cláusula respectiva, en las relaciones de los demás estados contratantes con el estado que hace la reserva.

ARTÍCULO 7

La falta de ratificación o la reserva, son actos inherentes a la soberanía nacional, y como tales, constituyen el ejercicio de un derecho que no viola ninguna disposición o buena forma internacional. En caso de negativa, ésta será comunicada a los otros contratantes.

ARTÍCULO 8

Los tratados regirán desde el canje o depósito de las ratificaciones, excepto si se hubiere convenido otra fecha por cláusula expresa.

ARTÍCULO 9

La aceptación, o no aceptación, de las cláusulas de un tratado a favor de un tercer estado que no fué parte contratante, depende exclusivamente de la decisión de éste.

ARTÍCULO 10

Ningún estado puede eximirse de las obligaciones del tratado o modificar sus estipulaciones sino con el acuerdo, pacíficamente obtenido, de los otros contratantes.

ARTICLE 6

Ratification must be unconditional and must embrace the entire treaty. It must be made in writing pursuant to the legislation of the state.

In case the ratifying state makes reservations to the treaty it shall become effective when the other contracting party informed of the reservations expressly accepts them, or having failed to reject them formally, should perform actions implying its acceptance.

In international treaties celebrated between different states, a reservation made by one of them in the act of ratification affects only the application of the clause in question in the relation of the other contracting states with the state making the reservation.

ARTICLE 7

Refusal to ratify or the formulation of a reservation are acts inherent in national sovereignty and as such constitute the exercise of a right which violates no international stipulation or good form. In case of refusal it shall be communicated to the other contracting parties.

ARTICLE 8

Treaties shall become effective from the date of exchange or deposit of ratification, unless some other date has been agreed upon through an express provision.

ARTICLE 9

The acceptance or the non-acceptance of provisions in a treaty, for the benefit of a third state which was not a contracting party, depends exclusively upon the latter's decision.

ARTICLE 10

No state can relieve itself of the obligations of a treaty or modify its stipulations except by the agreement, secured through peaceful means, of the other contracting parties.

ARTÍCULO 11

Los tratados continuarán surtiendo sus efectos aun cuando llegue a modificarse la constitución interna de los estados contratantes. Si la organización del estado cambiara de manera que la ejecución fuera imposible, por división de territorio o por otros motivos análogos, los tratados serán adaptados a las nuevas condiciones.

ARTÍCULO 12

Cuando el tratado se hace inejecutable, por culpa de la parte que se obligó, o por circunstancias que en el momento de la celebración dependían de esta parte y eran ignoradas por la otra parte, aquella responde a los perjuicios resultantes de su inejecución.

ARTÍCULO 13

La ejecución del tratado, puede, por cláusula expresa o en virtud de convenio especial, ser puesta, en todo o en parte, bajo la garantía de uno o más estados.

El estado garante no podrá intervenir en la ejecución del tratado, sino en virtud de requerimiento de una de las partes interesadas y cuando se realicen las condiciones bajo las cuales fué estipulada la intervención, y al hacerlo, sólo le será lícito emplear medios autorizados por el derecho internacional y sin otras exigencias de mayor alcance que las del mismo estado garantido.

ARTÍCULO 14

Los tratados cesan de regir:

a) Cumplida la obligación estipulada;

b) Transcurrido el plazo por el cual fué celebrado;

c) Cumplida la condición resolutoria;

d) Por acuerdo entre las partes;

e) Con la renuncia de la parte a quien aprovecha el tratado de un modo exclusivo;

f) Por la denuncia, total o parcial, cuando proceda;

g) Cuando se torna inejecutable.

ARTICLE 11

Treaties shall continue in effect even though the internal constitution of the contracting states has been modified. If the organization of the state should be changed in such a manner as to render impossible the execution of treaties, because of division of territory or other like reasons, treaties shall be adapted to the new conditions.

ARTICLE 12

Whenever a treaty becomes impossible of execution through the fault of the party entering into the obligation, or through circumstances which at the moment of concluding it were under control of this party and unknown to the other party, the former shall be responsible for damages resulting from its non-execution.

ARTICLE 13

The execution of a treaty may, through express stipulation or by virtue of special agreement, be placed wholly or partly under the guaranty of one or more states.

The guarantor state can intervene in the execution of the treaty only by virtue of a request by one of the interested parties and then only under the conditions which were stipulated for intervention. When intervention takes place, only such measures may be employed by the guarantor state as are sanctioned by international law, and without other requirements of greater scope than those of the state which has been guaranteed.

ARTICLE 14

Treaties cease to be effective:

a) When the stipulated obligation has been fulfilled;

b) When the length of time for which it was made has expired;

c) When the resolutory condition has been fulfilled;

d) By agreement between the parties;

e) By renunciation of the party exclusively entitled to a benefit thereunder;

f) By total or partial denunciation, if agreed upon;

g) When it becomes incapable of execution.

ARTÍCULO 15

Podrá igualmente declararse la caducidad de un tratado cuando éste sea permanente y de aplicación no continua, siempre que las causas que le dieron origen hayan desaparecido y pudiera lógicamente deducirse que no se presentarán en lo futuro.

La parte contratante que alegare ésta caducidad, al no obtener el asentimiento de la otra o de las otras, podrá acudir al arbitraje, sin cuyo fallo favorable, y mientras éste no se dicte, continuarán en vigor las obligaciones contraídas.

ARTÍCULO 16

Las obligaciones contraídas en los tratados serán sancionadas en los casos de incumplimiento, y después de agotar sin éxito las negociaciones diplomáticas, por decisión de una corte de justicia o un tribunal arbitral, dentro de los límites y con los trámites que estuvieren vigentes al tiempo en que la infracción se alegare.

ARTÍCULO 17

Los tratados, cuya denuncia haya sido convenida y los que establecen reglas de derecho internacional, no pueden ser denunciados, sino de acuerdo con lo establecido por ellos.

A falta de estipulación, el tratado puede ser denunciado por cualquier estado contratante, quien notificará a los otros de esta decisión siempre que haya cumplido todas las obligaciones convenidas en el mismo.

En éste caso el tratado quedará sin efecto en relación al denunciante un año después de la última notificación, y continuará subsistente para los demás signatarios, si los hubiere.

ARTÍCULO 18

Dos o más estados pueden convenir en que sus relaciones se rijan por otras reglas que no sean las establecidas en convenciones generales celebradas por ellos mismos con otros estados.

Este precepto es aplicable no solamente a los tratados futuros, sino a los que estén en vigor al tiempo de esta convención.

ARTICLE 15

The caducity of a treaty may also be declared when it is permanent and of non-continuous application, on condition that the causes which originated it have disappeared and when it may logically be deduced that they will not reappear in the future.

The contracting party invoking this caducity may, upon not obtaining the consent of the other party or parties, appeal to arbitration, the contracted obligation to remain in force if a favorable award is not obtained and while the decision is being made.

ARTICLE 16

Obligations contracted in treaties shall be sanctioned in cases of non-compliance and when all diplomatic negotiations have been exhausted without success, by decision of a court of justice or an arbitral tribunal within the limits and according to the procedure in use at the time in which the infraction is alleged.

ARTICLE 17

Treaties whose denunciation may have been agreed upon and those establishing rules of international law, can be denounced only in the manner provided thereby.

In the absence of such a stipulation, a treaty may be denounced by any contracting state, which state shall notify the others of this decision, provided it has complied with all obligations covenanted therein.

In this event the treaty shall become ineffective, as far as the denouncing state is concerned, one year after the last notification, and will continue in force for any other signatory states, if any.

ARTICLE 18

Two or more states may agree that their relations are to be governed by rules other than those established in general conventions celebrated by them with other states.

This precept applies not only to future treaties but also to those in effect at the time of concluding this convention.

ARTÍCULO 19

Un estado que no haya tomado parte en la concertación del tratado, podrá adherirse al mismo si no se opusiera alguna de las partes contratantes, a todas las cuales debe ser comunicado. La adhesión será considerada, a menos que sea hecha con reserva expresa de ratificación.

ARTÍCULO 20

La presente convención no afecta los compromisos adquiridos anteriormente por las partes contratantes en virtud de acuerdos internacionales.

ARTÍCULO 21

La presente convención, después de firmada, será sometida a las ratificaciones de los estados signatarios. El Gobierno de Cuba queda encargado de enviar copias certificadas auténticas a los gobiernos para el referido fin de la ratificación. El instrumento de ratificación será depositado en los archivos de la Unión Panamericana en Wáshington, quien notificará ese depósito a los gobiernos signatarios; tal notificación valdrá como canje de ratificaciones. Esta convención quedará abierta a la adhesión de los estados no signatarios.

En fe de lo cual los plenipotenciarios expresados firman la presente convención en español, inglés, francés y portugués en la ciudad de la Habana, el día 20 de febrero de 1928.

RESERVA DE LA DELEGACIÓN DE MÉXICO

La delegación mexicana, sin tener en cuenta los votos que quiere emitir en contra de varios artículos, firmará las diversas convenciones de derecho internacional público aprobadas, haciendo como única reserva la relativa al artículo 13, que no acepta, de la convención sobre tratados.

RESERVA DE LA DELEGACIÓN DE EL SALVADOR

La delegación de El Salvador no sólo opone su voto negativo al artículo 13, sino que vota negativamente la convención, y no la suscribe.

ARTICLE 19

A state not participating in the making of a treaty may adhere to the same if none other of the contracting parties be opposed, its adherence to be communicated to all. The adherence shall be deemed final unless made with express reservation of ratification.

ARTICLE 20

The present convention does not affect obligations previously undertaken by contracting parties through international agreements.

ARTICLE 21

After being signed, the present convention shall be submitted to the ratification of the signatory states. The Government of Cuba is charged with transmitting authentic certified copies to the governments for the aforementioned purpose of ratification. The instrument of ratification shall be deposited in the archives of the Pan American Union in Washington, the Union to notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications. This convention shall remain open to the adherence of nonsignatory states.

In witness whereof the aforenamed plenipotentiaries sign the present convention in Spanish, English, French, and Portuguese, in the city of Habana, the 20th day of February, 1928.

RESERVATION OF THE DELEGATION OF MEXICO

The delegation of Mexico, regardless of the contrary vote it wishes to formulate with respect to several articles in the conventions on public international law already adopted, will sign them making as sole reservation one relative to Article 13, which it does not accept, of the convention on treaties.

RESERVATION OF THE DELEGATION OF SALVADOR

The delegation of Salvador not only casts its negative vote to Article 13, but it also votes against the convention and does not sign it.

Reservas de la Delegación de Bolivia

En el concepto de la delegación de Bolivia, la inejecutabilidad a que se refiere el inciso "g" del artículo 14, se produce, entre otros, en los siguientes casos:

1. Cuando los hechos y circunstancias que le dieron origen o le sirvieron de base, se han modificado fundamentalmente;
2. Cuando su ejecución se torna contraria a la naturaleza de las cosas;
3. Cuando se torna incompatible con la existencia de un estado, con su independencia o dignidad;
4. Cuando se torna ruinoso para su riqueza o su comercio.

La reserva de Bolivia sobre el artículo 15 se refiere a que son susceptibles de caducidad no sólo los tratados de aplicación discontinua, como lo establece dicho artículo, sino todo género de tratados, cualquiera que sea su carácter o denominación, aún los llamados definitivos, que como toda convención humana, son susceptibles de error, ya que nada hay inmutable y eterno.

Reservations of the Delegation of Bolivia

In the opinion of the delegation of Bolivia the condition of becoming incapable of execution to which Section (*g*) of Article 14 refers, also arises, among others, in the following cases:

1. When the facts and circumstances which gave origin or served as a basis to the treaty have been fundamentally modified;
2. When its execution becomes contrary to the nature of things;
3. When it becomes incompatible with the existence, independence or dignity of a state;
4. When it becomes ruinous to its wealth or its commerce.

The reservation which Bolivia makes to Article 15 is to the effect that not only treaties of non-continuous application, as provided in said article, are subject to a declaration of caducity, but that the same should apply to all kinds of treaties, whatever their nature or denomination, even to those so-called definitive treaties which like every human covenant are liable to error, since there is nothing immutable and eternal.

APÉNDICE 11

CONVENCIÓN

[FUNCIONARIOS DIPLOMÁTICOS]

Los Gobiernos de las Repúblicas representadas en la Sexta Conferencia Internacional Americana celebrada en la ciudad de la Habana, República de Cuba, el año de 1928, teniendo en cuenta que una de las materias de mayor importancia en las relaciones internacionales es la que se refiere a los derechos y deberes de los funcionarios diplomáticos y que debe regularse de acuerdo con las condiciones de la vida económica, política e internacional de las naciones;

Comprendiendo que si bien es de desear que esa regulación se efectúe de acuerdo con las nuevas tendencias;

Especificando que los funcionarios diplomáticos no representan en ningún caso la persona del jefe del estado, y sí su gobierno, debiendo estar acreditados ante un gobierno reconocido; y

Reconociendo que como los funcionarios diplomáticos representan sus respectivos estados, no deben reclamar inmunidades que no sean esenciales al desempeño de sus deberes oficiales y que sería de desear que bien el propio funcionario o el estado representado por él renuncien la inmunidad diplomática cuando se refiera a acciones civiles que no tengan nada que ver con el desempeño de su misión;

No es posible, sin embargo, concertar desde ahora estipulaciones generales que si bien constituyen una tendencia definida en las relaciones internacionales tropiezan en algunos casos con la arraigada práctica de varios estados en sentido contrario;

Por lo cual y mientras pueda formularse una regulación más completa de los derechos y deberes de los funcionarios diplomáticos;

Han resuelto celebrar una convención que comprenda los principios generalmente admitidos por todas las

APPENDIX 11

CONVENTION

[DIPLOMATIC OFFICERS]

The Governments of the Republics represented at the Sixth International Conference of American States, held in the city of Habana, Republic of Cuba, the year 1928, being aware that one of the most important matters in the field of international relations is that pertaining to the rights and duties of diplomatic officers, which should be regulated in accordance with the conditions of economic, political, and international life of nations;

Realizing the desirability that such regulation be effected pursuant to the new trends on the matter;

Recognizing that diplomatic officers do not in any case represent the person of the chief of state but only their government and that they must be accredited to a recognized government; and

Acknowledging the fact that diplomatic officers represent their respective states and should not claim immunities which are not essential to the discharge of their official duties, and acknowledging also that it would seem desirable that either the officer himself or the state represented by him renounce diplomatic immunity whenever touching upon a civil action entirely alien to the fulfilment of his mission;

There being no possibility, nevertheless, at the present moment, of agreeing to general stipulations which although forming a well-defined trend in international relations sometimes conflict with the established practices of various states in a contrary sense;

Therefore and until a more complete regulation of the rights and duties of diplomatic officers can be formulated;

Have decided to conclude a convention incorporating the principles generally accepted by all nations, and have

naciones y han nombrado como sus plenipotenciarios a los señores siguientes:

[Los nombres de los plenipotenciarios siguen.]

Quienes, después de haber depositado sus plenos poderes, hallados en buena y debida forma, han acordado las siguientes disposiciones:

ARTÍCULO 1.—*Disposición general*

Los estados tienen el derecho de hacerse representar unos ante otros por medio de funcionarios diplomáticos.

SECCIÓN I.—*De los jefes de misión*

ARTÍCULO 2

Los funcionarios diplomáticos se dividen en ordinarios y extraordinarios.

Son ordinarios los que representan de manera permanente al gobierno de un estado ante el de otro.

Son extraordinarios los encargados de misión especial, o los que se acreditan para representar al gobierno en conferencias, congresos u otros organismos internacionales.

ARTÍCULO 3

Los funcionarios diplomáticos tienen los mismos derechos, prerrogativas e inmunidades, cualquiera que sea su categoría, salvo en lo tocante a precedencia y etiqueta.

La etiqueta depende de los usos diplomáticos en general, así como de las leyes y reglamentos del país ante el cual está acreditado el diplomático.

ARTÍCULO 4

Además de las funciones señaladas en sus credenciales, los funcionarios ordinarios tienen atribuciones que pueden conferirles las leyes o decretos de los respectivos países. Deberán ejercer sus atribuciones sin entrar en conflicto con las leyes del país donde estuvieren acreditados.

ARTÍCULO 5

Todo estado puede hacerse representar por un solo funcionario ante uno o más gobiernos.

designated the following plenipotentiaries:

[Here follow the names of the plenipotentiaries.]

Who, after having deposited their full powers, found to be in good and due form, have agreed on the following provisions:

ARTICLE 1.—*General provision*

States have the right of being represented before each other through diplomatic officers.

SECTION I.—*Chiefs of mission*

ARTICLE 2

Diplomatic officers are classed as ordinary and extraordinary.

Those who permanently represent the government of one state before that of another are ordinary.

Those entrusted with a special mission or those who are accredited to represent the government in international conferences and congresses or other international bodies are extraordinary.

ARTICLE 3

Except as concerns precedence and etiquette, diplomatic officers, whatever their category, have the same rights, prerogatives and immunities.

Etiquette depends upon diplomatic usages in general as well as upon the laws and regulations of the country to which the officers are accredited.

ARTICLE 4

In addition to the functions indicated in their credentials, ordinary officers possess the attributes which the laws and decrees of the respective countries may confer upon them. They should exercise their attributes without coming into conflict with the laws of the country to which they are accredited.

ARTICLE 5

Every state may entrust its representation before one or more governments to a single diplomatic officer.

Varios estados pueden hacerse representar ante otro por un solo funcionario diplomático.

ARTÍCULO 6

Los funcionarios diplomáticos autorizados al efecto por sus gobiernos, pueden, con el consentimiento del gobierno local, y a solicitud de un estado no representado ante éste por funcionario ordinario, asumir ante el mismo gobierno la defensa temporal o accidental de los intereses de dicho estado.

ARTÍCULO 7

Los estados son libres en la elección de sus funcionarios diplomáticos; pero no podrán investir con estas funciones a nacionales del estado en que la misión debe actuar, sin el consentimiento de éste.

ARTÍCULO 8

Ningún estado podrá acreditar sus funcionarios diplomáticos ante los demás estados, sin previo arreglo con éstos.

Los estados pueden negarse a admitir un funcionario diplomático de los otros, o, habiéndolo admitido ya, pedir su retiro, sin estar obligados a expresar los motivos de su resolución.

ARTÍCULO 9

Los funcionarios diplomáticos extraordinarios gozan de las mismas prerrogativas e inmunidades que los ordinarios.

SECCIÓN II.—*Del personal de las misiones*

ARTÍCULO 10

Cada misión tendrá el personal determinado por su gobierno.

ARTÍCULO 11

Cuando los funcionarios diplomáticos se ausenten del lugar donde ejercen sus funciones o se encuentren en la imposibilidad de desempeñarlas, los sustituirán interinamente la persona designada para ese efecto por su gobierno.

Several states may entrust their representation before another to a single diplomatic officer.

ARTICLE 6

Diplomatic officers, duly authorized by their governments, may, with the consent of the local government, and upon the request of a state not represented by an ordinary officer before the latter government, undertake the temporary or accidental protection of the interests of the said state.

ARTICLE 7

States are free in the selection of their diplomatic officers; but they may not invest with such functions the nationals of a state in which the mission must function, without its consent.

ARTICLE 8

No state may accredit its diplomatic officers to other states without previous agreement with the latter.

States may decline to receive an officer from another or, having already accepted him, may request his recall without being obliged to state the reasons for such a decision.

ARTICLE 9

Extraordinary diplomatic officers enjoy the same prerogatives and immunities as ordinary ones.

SECTION II.—*Personnel of missions*

ARTICLE 10

Each mission shall have the personnel determined by its government.

ARTICLE 11

When diplomatic officers are absent from the place where they exercise their functions or find it impossible to discharge them, they shall be substituted for temporarily, by persons designated for that purpose by their government.

SECCIÓN III.—*De los deberes de los funcionarios diplomáticos*

ARTÍCULO 12

Los funcionarios diplomáticos extranjeros no podrán inmiscuirse en la política interna o externa del estado en que ejercen sus funciones.

ARTÍCULO 13

Los funcionarios diplomáticos deberán dirigirse en sus comunicaciones oficiales al ministro de relaciones exteriores o secretario de estado del país ante el cual estén acreditados. Las comunicaciones a las demás autoridades se harán también por medio de dicho ministro o secretario.

SECCIÓN IV.—*De las inmunidades y prerrogativas de los funcionarios diplomáticos*

ARTÍCULO 14

Los funcionarios diplomáticos serán inviolables en su persona, residencia particular u oficial y bienes. Esta inviolabilidad se extiende:

a) a todas las clases de funcionarios diplomáticos;
b) a todo el personal oficial de la misión diplomática;
c) a los miembros de la respectiva familia que viven bajo el mismo techo;
d) a los papeles, archivos y correspondencia de la misión.

ARTÍCULO 15

Los estados deberán otorgar a los funcionarios diplomáticos toda clase de facilidades para el ejercicio de sus funciones, y especialmente, para que puedan comunicarse libremente con sus gobiernos.

ARTÍCULO 16

Ningún funcionario o agente judicial o administrativo del estado donde el funcionario diplomático está acreditado podrá entrar en el domicilio de éste o en el local de la misión, sin su consentimiento.

ARTÍCULO 17

Los funcionarios diplomáticos están obligados a entregar a la autoridad

SECTION III.—*Duties of diplomatic officers*

ARTICLE 12

Foreign diplomatic officers may not participate in the domestic or foreign politics of the state in which they exercise their functions.

ARTICLE 13

Diplomatic officers shall, in their official communications, address themselves to the minister of foreign relations or secretary of state of the country to which they are accredited. Communications to the other authorities shall also be made through the said minister or secretary.

SECTION IV.—*Immunities and prerogatives of diplomatic officers*

ARTICLE 14

Diplomatic officers shall be inviolate as to their persons, their residence, private or official, and their property. This inviolability covers:

a) All classes of diplomatic officers;
b) The entire official personnel of the diplomatic mission;
c) The members of the respective families living under the same roof;
d) The papers, archives, and correspondence of the mission.

ARTICLE 15

States should extend to diplomatic officers every facility for the exercise of their functions and especially to the end that they may freely communicate with their governments.

ARTICLE 16

No judicial or administrative functionary or official of the state to which the diplomatic officer is accredited may enter the domicile of the latter, or of the mission, without his consent.

ARTICLE 17

Diplomatic officers are obliged to deliver to the competent local authority

local competente que lo requiera al acusado o condenado por delito común, refugiado en la misión.

Artículo 18

Los funcionarios diplomáticos estarán exentos en el estado donde estuvieren acreditados:

1. De todos los impuestos personales, sean nacionales o locales;
2. De todos los impuestos territoriales sobre el edificio de la misión, cuando pertenezca al gobierno respectivo;
3. De los derechos de aduana sobre los objetos destinados a uso oficial de la misión, o al uso personal del funcionario diplomático o de su familia.

Artículo 19

Los funcionarios diplomáticos están exentos de toda jurisdicción civil o criminal del estado ante el cual se encuentran acreditados, no pudiendo, salvo el caso en que debidamente autorizados por su gobierno, renuncien a la inmunidad, ser procesados y juzgados sino por los tribunales de su estado.

Artículo 20

La inmunidad de jurisdicción sobrevive a los funcionarios diplomáticos en cuanto a las acciones que con ella se relacionan. En relación a las otras, sin embargo, no puede ser invocada, sino mientras duren sus funciones.

Artículo 21

Las personas que gocen de inmunidades de jurisdicción pueden rehusar comparecer como testigos ante los tribunales territoriales.

Artículo 22

Los funcionarios diplomáticos entran en el goce de sus inmunidades desde el momento que pasan la frontera del estado donde van a servir y dan a conocer su categoría.

Las inmunidades se conservan durante el tiempo que la misión está en suspenso y aún después que termina, por el tiempo que sea necesario para que el funcionario diplomático pueda retirarse con la misión.

that requests it any person accused or condemned for ordinary crimes, who may have taken refuge in the mission.

Article 18

Diplomatic officers shall be exempt in the state to which they are accredited:

1. From all personal taxes, either national or local;
2. From all land taxes on the building of the mission, when it belongs to the respective government;
3. From customs duties on articles intended for the official use of the mission, or for the personal use of the diplomatic officer or of his family.

Article 19

Diplomatic officers are exempt from all civil or criminal jurisdiction of the state to which they are accredited; they may not, except in the case when duly authorized by their government they waive immunity, be prosecuted or tried unless it be by the courts of their own country.

Article 20

The immunity from jurisdiction survives the tenure of office of diplomatic officers in so far as regards actions pertaining thereto; it may not, however, be invoked in respect to other actions except while discharging their diplomatic functions.

Article 21

Persons enjoying immunity from jurisdiction may refuse to appear as witnesses before the territorial courts.

Article 22

Diplomatic officers enter upon the enjoyment of their immunity from the moment they pass the frontier of the state where they are going to serve and make known their position.

The immunities shall continue during the period that the mission may be suspended, and, even after it shall be terminated, for the time necessary for the officer to be able to withdraw with the mission.

ARTÍCULO 23

Las personas que forman la misión gozarán también de las mismas inmunidades y prerrogativas en los estados que cruzaren para llegar a su puesto o regresar a su patria, o en el que accidentalmente se encuentren durante el ejercicio de sus funciones, y a cuyo gobierno hayan dado a conocer su categoría.

ARTÍCULO 24

En caso de fallecimiento del funcionario diplomático, su familia continuará en el goce de las inmunidades por un plazo razonable, hasta que abandone el estado donde se encuentran.

SECCIÓN V.—*Del fin de la misión diplomática*

ARTÍCULO 25

Los funcionarios diplomáticos cesan en su misión:

1. Por la notificación oficial del gobierno del funcionario al otro gobierno de que el diplomático ha cesado en sus funciones;
2. Por la expiración del plazo fijado para el cumplimiento de la misión;
3. Por la solución del asunto si la misión hubiese sido creada por una cuestión determinada;
4. Por la entrega de los pasaportes al funcionario hecha por el gobierno ante el cual estuviese acreditado;
5. Por la petición de sus pasaportes hecha a éste por el funcionario.

En los casos arriba mencionados se concederá un plazo razonable al funcionario diplomático, al personal oficial de la misión y a las respectivas familias para abandonar el territorio del estado, siendo deber del gobierno ante el cual estuvo el funcionario acreditado, cuidar durante ese tiempo porque ninguno de ellos sea molestado ni perjudicado en su persona o bienes.

El fallecimiento o la renuncia del Jefe del Estado, así como el cambio de gobierno o de régimen político de cualquiera de los dos países, no pondrá fin a la misión de los funcionarios diplomáticos.

ARTICLE 23

Persons belonging to the mission shall also enjoy the same immunities and prerogatives in the states which they cross to arrive at their post or to return to their own country, or in a state where they may casually be during the exercise of their functions and to whose Government they have made known their position.

ARTICLE 24

In case of death of the diplomatic officer, his family shall continue to enjoy the immunities for a reasonable term, until they may leave the state.

SECTION V.—*Termination of the diplomatic mission*

ARTICLE 25

The mission of the diplomatic officer ends:

1. By the official notification of the officer's government to the other government that the officer has terminated his functions;
2. By the expiration of the period fixed for the completion of the mission;
3. By the solution of the matter, if the mission had been created for a particular question;
4. By the delivery of passports to the officer by the government to which he is accredited;
5. By the request for his passports made by the diplomatic officer to the government to which he is accredited.

In the above-mentioned cases, a reasonable period shall be given the diplomatic officer, the official personnel of the mission, and their respective families, to quit the territory of the state; and it shall be the duty of the government to which the officer was accredited to see that during this time none of them is molested nor injured in his person or property.

Neither the death or resignation of the head of the state nor the change of government or political régime of either of the two countries shall terminate the mission of the diplomatic officers.

ARTÍCULO 26

La presente convención no afecta los compromisos adquiridos anteriormente por las partes contratantes en virtud de acuerdo internacional.

ARTÍCULO 27

La presente convención, después de firmada, será sometida a las ratificaciones de los estados signatarios. El Gobierno de Cuba queda encargado de enviar copias certificadas auténticas a los gobiernos para el referido fin de la ratificación. El instrumento de ratificación será depositado en los archivos de la Unión Panamericana en Wáshington, quien notificará ese depósito a los gobiernos signatarios; tal notificación valdrá como canje de ratificaciones. Esta convención quedará abierta a la adhesión de los estados no signatarios.

En fe de lo cual los plenipotenciarios expresados firman la presente convención en español, inglés, francés y portugués, en la ciudad de la Habana, el día 20 de febrero de 1928.

ARTICLE 26

The present convention does not affect obligations previously undertaken by the contracting parties through international agreements.

ARTICLE 27

After being signed, the present convention shall be submitted to the ratification of the signatory states. The Government of Cuba is charged with transmitting authentic certified copies to the governments for the aforementioned purpose of ratification. The instrument of ratification shall be deposited in the archives of the Pan American Union in Washington, the Union to notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications. This convention shall remain open to the adherence of the nonsignatory states.

In witness whereof, the aforenamed plenipotentiaries sign the present convention in Spanish, English, French, and Portuguese, in the city of Habana, the 20th day of February, 1928.

APÉNDICE 12

CONVENCIÓN

[AGENTES CONSULARES]

Los gobiernos de las Repúblicas representadas en la Sexta Conferencia Internacional Americana celebrada en la ciudad de la Habana, República de Cuba, el año de mil novecientos veintiocho, deseosos de definir los deberes, derechos, prerrogativas e inmunidades de los agentes consulares, de acuerdo con las prácticas y convenios sobre la materia;

Han resuelto celebrar una convención a ese efecto, y han nombrado, como plenipotenciarios a los señores siguientes:

[Los nombres de los plenipotenciarios siguen.]

Quienes, después de haber depositado sus plenos poderes, hallados en buena y debida forma, han acordado las siguientes disposiciones:

SECCIÓN I.—*Del nombramiento y atribuciones*

ARTÍCULO 1

Los estados pueden nombrar en el territorio de los otros, con el consentimiento expreso o tácito de éstos, cónsules que representen y defiendan allí sus intereses comerciales e industriales, y presten a sus nacionales la asistencia y protección de que carezcan.

ARTÍCULO 2

La forma y requisito para nombrarlos y las clases y la categoría de los cónsules serán regulados por el derecho interno del respectivo estado.

ARTÍCULO 3

Sin el consentimiento del estado donde ha de servir no puede ser reconocido como cónsul uno de sus nacionales. La concesión del exequátur suple la autorización.

APPENDIX 12

CONVENTION

[CONSULAR AGENTS]

The governments of the Republics represented at the Sixth International Conference of American States, held in the city of Habana, Republic of Cuba, in the year nineteen hundred and twenty-eight, desirous of defining the duties, rights, prerogatives and immunities of consular agents, in accordance with the usages and agreements on the matter;

Have decided to conclude a convention to that end and have appointed the following plenipotentiaries:

[Here follow the names of the plenipotentiaries.]

Who, after having deposited their full powers, found to be in good and due form, have agreed to the following provisions:

SECTION I.—*Appointments and functions*

ARTICLE 1

States may appoint in the territory of others, with the express or tacit consent of the latter, consuls who shall there represent and defend their commercial and industrial interests and render to their nationals such assistance and protection as they may need.

ARTICLE 2

The form and requirements for appointment, the classes and the rank of the consuls, shall be regulated by the domestic laws of the respective state.

ARTICLE 3

Unless consented to by the state where he is to serve, one of its nationals may not act as consul. The granting of an exequatur implies such consent.

ARTÍCULO 4

Nombrado el cónsul, el estado le remitirá al otro, por la vía diplomática, la respectiva patente, que contendrá el nombre, categoría y atribuciones del nombrado.

Tratándose de un vicecónsul, o agente comercial nombrado por el respectivo cónsul los casos autorizados por su ley, la patente será expedida y comunicada a éste.

ARTÍCULO 5

Los estados pueden rechazar los cónsules nombrados para su territorio, o subordinar el ejercicio de las funciones consulares a ciertas obligaciones especiales.

ARTÍCULO 6

El cónsul no puede ser reconocido como tal, sino después de haber presentado su patente y obtenido el exequátur del estado en cuyo territorio va a servir.

Un reconocimiento provisional podrá ser concedido a petición de la legación del cónsul, hasta que el exequátur sea otorgado en debida forma.

Están igualmente sujetos a esta formalidad los funcionarios nombrados en los términos del artículo 4, y compete en tal caso al respectivo cónsul solicitar el exequátur.

ARTÍCULO 7

Obtenido el exequátur, éste será presentado a las autoridades del distrito consular, que protejerán al cónsul en el ejercicio de sus funciones y le garantizarán las inmunidades a que tuviere derecho.

ARTÍCULO 8

El gobierno territorial, puede en cualquier momento retirar el exequátur al cónsul; pero, salvo el caso de urgencia no recurrirá a éste medio sin antes intentar obtener del gobierno del cónsul su revocación.

ARTICLE 4

The consul having been appointed, the state shall forward through diplomatic channels to the other state the respective commission which shall contain the name, category and authority of the appointee.

As to a vice consul or commercial agent appointed by the respective consul, where there is authorization by law, the commission shall be issued and communicated to the latter.

ARTICLE 5

States may refuse to accept consuls appointed in their territory or subject the exercise of consular functions to certain special obligations.

ARTICLE 6

The consul can be recognized as such only after having presented his commission and obtained the exequatur of the state in whose territory he is to serve. Provisional recognition can be granted upon the request of the legation of the consul pending the delivery in due form of the exequatur.

Officials appointed under the terms of Article 4 are likewise subject to this formality and in such case it rests with the respective consul to request the exequatur.

ARTICLE 7

The exequatur having been obtained, it shall be presented to the authorities of the consular district, who shall protect the consul in the exercise of his functions and guarantee to him the immunites to which he is entitled.

ARTICLE 8

The territorial government may at any time withdraw the consul's exequatur, but, except in urgent cases, it shall not have recourse to this measure without previously attempting to obtain from the consul's government his recall.

Artículo 9

En caso de muerte, incapacidad o ausencia de los agentes consulares, cualquiera de los empleados auxiliares cuyo carácter oficial se haya hecho conocer previamente al ministerio de relaciones exteriores o secretaría de estado, podrá desempeñar provisionalmente las funciones consulares, y mientras así lo haga disfrutará de todos los derechos y prerrogativas correspondientes al propietario.

Artículo 10

Los cónsules ejercerán las atribuciones que les confiera la ley de su estado, sin perjuicio de la legislación del estado donde desempeñen su cargo.

Artículo 11

Los cónsules se entenderán oficialmente con las autoridades de su distrito en el ejercicio de sus atribuciones. Si sus gestiones no fueren atendidas, podrá, por medio del funcionario diplomático de su nación continuar sus gestiones ante el gobierno del estado, no debiendo comunicarse directamente con éste sino en ausencia o falta del funcionario diplomático.

Artículo 12

A falta de funcionario diplomático del estado del cónsul, éste podrá realizar los actos diplomáticos que, en tales casos, permite el gobierno en que esté situado el consulado.

Artículo 13

Una misma persona podrá, en el caso que se le acredite debidamente para ese efecto, reunir la representación diplomática y la función consular, siempre que el estado ante el cual se acredite, lo consienta.

Sección II.—*De las prerrogativas de los cónsules*

Artículo 14

A falta de convenio especial entre dos naciones, los agentes consulares nacionales del estado que los nombra, no podrán ser detenidos ni procesados

Article 9

In case of the death, disability or absence of consular agents any of the assistant employees whose official position has been previously made known to the ministry of foreign affairs or the department of state, may temporarily assume the consular functions; while thus engaged he shall enjoy all the rights and prerogatives corresponding to the permanent official.

Article 10

Consuls shall exercise the functions that the law of their state confers upon them, without prejudice to the legislation of the country where they are serving.

Article 11

In the exercise of their functions, consuls shall deal directly with the authorities of their district. Should their representations not be heeded, they may then pursue them before the government of the state through the intermediary of their diplomatic representative, but should not communicate directly with the government except in the absence or non-existence of a diplomatic representative.

Article 12

In case of the absence of a diplomatic representative of the consul's state, the consul may undertake such diplomatic actions as the government of the state in which he functions may permit in such cases.

Article 13

A person duly accredited for the purpose may combine diplomatic representation and the consular function provided the state before which he is accredited consents to it.

Section II.—*Prerogatives of consuls*

Article 14

In the absence of a special agreement between two nations, the consular agents who are nationals of the state appointing them, shall neither be

sino en los casos que se les acuse de la comisión de un hecho calificado por la legislación local de delito.

ARTÍCULO 15

En las causas criminales podrá pedirse por la acusación o la defensa la asistencia a juicio, como testigos, de los agentes consulares. Esta petición se hará con toda la consideración posible a la dignidad consular y a los deberes del cargo, y será cumplida por parte del funcionario consular.

En los asuntos civiles los agentes consulares estarán sujetos a la jurisdicción de los tribunales, con la limitación, eso no obstante, de que cuando el cónsul sea nacional de su estado y no esté dedicado a negocio privado alguno con fines de lucro, su declaración le será tomada verbalmente o por escrito en su residencia u oficina y con la debida consideración.

El cónsul, sin embargo, podrá voluntariamente declarar como testigo cuando no le ocasione serios trastornos en el desempeño de sus deberes oficiales.

ARTÍCULO 16

Los cónsules no están sujetos a la jurisdicción local por los actos ejecutados con carácter oficial en los límites de su competencia. En el caso de que un particular se considere perjudicado por la acción del cónsul, presentará su reclamación ante el gobierno, el cual, si lo considera procedente, la hará valer por la vía diplomática.

ARTÍCULO 17

En cuanto a los actos no oficiales, los cónsules están sujetos, tanto en materia civil como en materia criminal, a la jurisdicción del estado en que ejercen sus funciones.

ARTÍCULO 18

La residencia oficial de los cónsules y los lugares ocupados por las oficinas y archivos consulares, son inviolables y en ningún caso podrán las autoridades locales entrar en ellas sin permiso de los agentes consulares, ni examinar ni

arrested nor prosecuted except in the cases when they are accused of committing an act classed as a crime by local legislation.

ARTICLE 15

In criminal cases, the prosecution or the defense may request attendance of consular agents at the trial, as witnesses. This request must be made with all possible consideration to consular dignity and to the duties of the consular office and shall be complied with by the consular official.

Consular agents shall be subject to the jurisdiction of the courts in civil cases, although with the limitation that when the consul is a national of his state and is not engaged in any private business with purposes of gain, his testimony shall be taken either verbally or in writing, at his residence or office, with all the consideration to which he is entitled.

The consul may, nevertheless, of his own free will appear as a witness when such appearance does not seriously hinder the discharge of his official duties.

ARTICLE 16

Consuls are not subject to local jurisdiction for acts done in their official character and within the scope of their authority. In case a private individual deems himself injured by the consul's action, he must submit his complaint to the government, which, if it considers the claim to be relevant, shall make it valid through diplomatic channels.

ARTICLE 17

In respect to unofficial acts, consuls are subject, in civil as well as in criminal matters, to the jurisdiction of the state where they exercise their functions.

ARTICLE 18

The official residence of the consuls and places used for the consulate's offices and archives are inviolable and in no case may the local authorities enter them without the permission of the consular agents; neither shall they

apoderarse, bajo pretexto alguno, de los documentos u objetos que se encuentren en una oficina consular. Tampoco se requerirá a ningún funcionario consular para que presente los archivos oficiales ante los tribunales o que declara respecto de su contenido.

Cuando los agentes consulares estén dedicados a algún negocio en el territorio del estado donde ejercen sus funciones, el archivo del consulado y los documentos relativos al mismo, se conservarán en un local completamente separado de aquel en que guarde sus papeles privados o de negocios.

ARTÍCULO 19

Los cónsules están obligados a entregar, a simple requerimiento de las autoridades locales, los acusados o condenados por delito que se refugien en el consulado.

ARTÍCULO 20

Tanto los agentes consulares como los empleados de un consulado, nacionales del estado que los nombre, que no se dediquen a negocios con fines de lucro en el estado en que desempeñan su función, estarán exentos de toda tributación nacional, del estado, la provincia o el municipio, impuesta a su persona o bienes, excepto la que grave la posesión o propiedad de bienes inmuebles situados en el estado en que ejerza sus funciones o los productos de los mismos. Los agentes consulares y empleados nacionales del estado que representan, están exentos de impuestos sobre los sueldos, honorarios o jornales recibidos por ellos en retribución de sus servicios consulares.

ARTÍCULO 21

El empleado que sustituya al agente consular en su ausencia o por otro motivo disfrutará, durante su interinatura, de las mismas inmunidades y prerrogativas.

ARTÍCULO 22

Los cónsules que se dedicasen al comercio o ejercieren otras funciones distintas de las que corresponden a sus

examine nor seize, under any pretext whatsoever, documents or other objects found in a consular office. No consular officer shall be required to present his official files before the courts or to make declaration with respect to their contents.

When consular agents are engaged in business within the territory of the state where they are exercising their duties, the files and documents of the consulate shall be kept in a place entirely separate from the one where private or business papers are kept.

ARTICLE 19

Consuls are obliged to deliver, upon the simple request of the local authorities, persons accused or condemned for crimes who may have sought refuge in the consulate.

ARTICLE 20

Consular agents, as well as the employees of the consulate who are nationals of the state appointing them, not engaged in business with purposes of gain, in the state where they perform their functions, shall be exempt from all national, state, provincial, or municipal taxes levied upon their person or property, except such taxes as may apply to the possession or ownership of real estate located in the state where discharging their duties or to the proceeds of the same. Consular agents and employees who are nationals of the state they represent, are exempt from taxes on the salaries, honorariums, or wages which they receive in return for their consular services.

ARTICLE 21

The employee who substitutes for the consular agent in his absence, or for another cause, shall enjoy during his temporary term of office the same immunities and prerogatives as the latter.

ARTICLE 22

Consuls engaged in business or exercising other functions apart from those pertaining to their consular

deberes consulares, están sujetos a la jurisdicción local en todas sus actividades que no se refieran al servicio consular.

Sección III.—*De la suspensión y fin de las funciones consulares*

Artículo 23

Los agentes consulares suspenden sus funciones por enfermedad o licencia, y cesan:

a) por su fallecimiento;
b) por su jubilación, retiro o dimisión; y
c) por la cancelación del exequátur.

Artículo 24

La presente convención no afecta los compromisos adquiridos anteriormente por las partes contratantes en virtud de acuerdo internacional.

Artículo 25

La presente convención, después de firmada, será sometida a las ratificaciones de los estados signatarios. El Gobierno de Cuba queda encargado de enviar copias certificadas auténticas a los gobiernos para el referido fin de la ratificación. El instrumento de ratificación será depositado en los archivos de la Unión Panamericana en Wáshington, quién notificará ese depósito a los gobiernos signatarios; tal notificación valdrá como canje de ratificaciones. Esta convención quedará abierta a la adhesión de los estados no signatarios.

En fe de lo cual los plenipotenciarios expresados firman la presente convención en español, inglés, francés y portugués, en la ciudad de la Habana, el día 20 de febrero de 1928.

Reserva de la Delegación de Venezuela

En nombre del Gobierno que represento, formulo una reserva respecto a la coincidencia de funciones diplomáticas y consulares en una misma persona, porque es contraria completamente a nuestra tradición, mantenida desde su establecimiento hasta la fecha en forma que no admite transformación alguna.

duties are subject to local jurisdiction in all their activities not pertaining to the consular service.

Section III.—*Suspension and termination of consular functions*

Article 23

Consular agents suspend their functions because of illness or leave of absence, and terminate their office:

a) By death;
b) By retirement, resignation, or dismissal; and
c) By the cancellation of the exequatur.

Article 24

The present convention does not affect obligations previously undertaken by the contracting parties through international agreements.

Article 25

After being signed, the present convention shall be submitted to the ratification of the signatory states. The Government of Cuba is charged with transmitting authentic certified copies to the governments for the aforementioned purpose of ratification. The instrument of ratification shall be deposited in the archives of the Pan American Union in Washington, the Union to notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications. This convention shall remain open to the adherence of non-signatory states.

In witness whereof, the aforenamed plenipotentiaries sign the present convention in Spanish, English, French, and Portuguese, in the city of Habana, the 20th day of February, 1928.

Reservation of the Delegation of Venezuela

On behalf of the Government that I represent, I make a reservation with respect to the coincidence of diplomatic and consular functions in the same person, because it is totally opposed to our tradition, maintained since it was established until the present time, in a way that admits of no change.

APÉNDICE 13

CONVENCIÓN

[NEUTRALIDAD MARÍTIMA]

Los Gobiernos de las Repúblicas representadas en la Sexta Conferencia Internacional Americana celebrada en la ciudad de la Habana, República de Cuba, el año 1928;

Deseando que cuando se produzca una guerra entre dos o más estados los demás puedan en aras de la paz ofrecer un buen oficio o su mediación para poner fin al conflicto, sin que esa acción pueda considerarse como acto poco amistoso:

Convencido de que en caso de que no pueda lograrse este objetivo los estados neutrales tienen el mismo interés en que sus derechos sean respetados por los beligerantes;

Estimando que la neutralidad es la situación jurídica de los estados que no toman parte en las hostilidades y que ella crea derechos e impone obligaciones de imparcialidad que deben ser reglamentadas;

Reconociendo que la solidaridad internacional exige que la libertad del comercio se respete siempre, evitando en lo posible cargas inútiles a los neutrales;

Siendo conveniente que mientras no se alcance ampliamente este objetivo se reduzcan al mínimum esas cargas; y

Esperando a que sea posible regular la materia de modo que todos los intereses afectados tengan todas las garantías apetecidas;

Han resuelto celebrar una convención a ese efecto, y han nombrado como sus plenipotenciarios a los señores siguientes:

[Los nombres de los plenipotenciarios siguen.]

Quienes, después de haber depositado sus plenos poderes, hallados en buena y debida forma, han acordado las siguientes disposiciones:

APPENDIX 13

CONVENTION

[MARITIME NEUTRALITY]

The Governments of the Republics represented at the Sixth International Conference of American States, held in the city of Habana, Republic of Cuba, in the year 1928;

Desiring that, in case war breaks out between two or more states the other states may, in the service of peace, offer their good offices or mediation to bring the conflict to an end, without such an action being considered as an unfriendly act;

Convinced that in case this aim cannot be attained, neutral states have equal interest in having their rights respected by the belligerents;

Considering that neutrality is the juridical situation of states which do not take part in the hostilities, and that it creates rights and imposes obligations of impartiality, which should be regulated;

Recognizing that international solidarity requires that the liberty of commerce should be always respected, avoiding as far as possible unnecessary burdens for the neutrals;

It being convenient, that as long as this object is not reached, to reduce those burdens as much as possible; and

In the hope that it will be possible to regulate the matter so that all interests concerned may have every desired guaranty;

Have resolved to formulate a convention to that effect and have appointed the following plenipotentiaries:

[Here follow the names of the plenipotentiaries.]

Who, after having presented their credentials, which were found in good and correct form, have agreed upon the following provisions:

SECCIÓN I.—*De la libertad de comercio en tiempo de guerra*

ARTÍCULO 1

El comercio en tiempo de guerra se regirá por las siguientes reglas:

1. Las naves de guerra de los beligerantes tienen el derecho de detener y visitar, en alta mar o en aguas territoriales que no sean neutrales, cualquier buque mercante con objeto de conocer en el carácter y la nacionalidad, verificar si conduce un transporte prohibido por la ley internacional, o comprobar si ha realizado alguna violación del bloqueo. Si el buque mercante no atiende la intimación de detenerse, puede el de guerra perseguirlo y detenerlo por la fuerza. Fuera de esta hipótesis, el buque no podrá ser atacado sino cuando después de intimado, dejare de observar las instrucciones que le hubiesen sido dadas.

El buque no será puesto fuera de condiciones de navegación antes de que la tripulación y los pasajeros hayan sido trasladados a lugar seguro.

2. Los submarinos beligerantes están sujetos a las reglas anteriores. Si el submarino no pudiera capturar al buque de conformidad con esta regla, no tendrá derecho a perseguir el ataque ni a destruir el buque.

ARTÍCULO 2

La detención del buque, así como la de su tripulación, por violación de la neutralidad, se hará de acuerdo con el régimen que mejor convenga al estado que la efectúe y a costa del buque infractor. Dicho estado, salvo el caso de falta grave de su parte, no es responsable por los daños que sufriere el buque.

SECCIÓN II.—*Deberes y derechos de los beligerantes*

ARTÍCULO 3

Los estados beligerantes están obligados a abstenerse de ejecutar en aguas neutrales, actos de guerra o de cualquier otra naturaleza que pueda constituir de parte del estado que los tolere una infracción de la neutralidad.

SECTION I.—*Freedom of commerce in time of war*

ARTICLE 1

The following rules shall govern commerce in time of war:

1. Warships of the belligerents have the right to stop and visit on the high seas and in territorial waters that are not neutral any merchant ship with the object of ascertaining its character and nationality and of verifying whether it conveys cargo prohibited by international law or has committed any violation of blockade. If the merchant ship does not heed the signal to stop, it may be pursued by the warship and stopped by force; outside of such a case the ship cannot be attacked unless, after being hailed, it fails to observe the instructions given it.

The ship shall not be rendered incapable of navigation before the crew and passengers have been placed in safety.

2. Belligerent submarines are subject to the foregoing rules. If the submarine cannot capture the ship while observing these rules, it shall not have the right to continue to attack or to destroy the ship.

ARTICLE 2

Both the detention of the vessel and its crew for violation of neutrality shall be made in accordance with the procedure which best suits the state effecting it and at the expense of the transgressing ship. Said state, except in the case of grave fault on its part, is not responsible for damages which the vessel may suffer.

SECTION II.—*Duties and rights of belligerents*

ARTICLE 3

Belligerent states are obligated to refrain from performing acts of war in neutral waters or other acts which may constitute on the part of the state that tolerates them, a violation of neutrality.

ARTÍCULO 4

En los términos del artículo precedente que está prohibido al estado beligerante:

a) Servirse de las aguas neutrales como base de operaciones navales contra el enemigo, o para renovar o aumentar las provisiones militares o el armamento de sus navíos o para completar la dotación de éstos;

b) Establecer en aguas neutrales estaciones radiotelegráficas o cualquier otro elemento que le sirva de medio de comunicación con sus fuerzas militares y servirse de las instalaciones de este género que hubiere establecido antes de la guerra y que no hayan sido abiertas al público.

ARTÍCULO 5

Está prohibido a las naves de guerra de los beligerantes permanecer en los puertos o aguas del estado neutral más de veinticuatro horas. Esta disposición será notificada a la nave tan pronto como llegue al puerto o a las aguas territoriales y si ya se encontrase en ellos al declararse la guerra, inmediatamente que el estado neutral tenga conocimiento de esta declaración.

Se exceptúa de las disposiciones que preceden, los buques empleados exclusivamente en misiones científicas, religiosas o filantrópicas.

El buque podrá prolongar más de veinticuatro horas su permanencia en caso de averías o mal estado del mar, pero deberá partir en cuanto cese la causa de la demora.

Cuando por la ley del estado neutral el buque no pueda recibir combustible sino veinticuatro horas después de la llegada al puerto, el plazo de la estadía será prolongado por igual tiempo.

ARTÍCULO 6

El buque que no se ajustare a las reglas precedentes podrá ser internado por orden del gobierno neutral.

Se considera internado un navío desde el momento que reciba orden en ese sentido de la autoridad local neutral, aunque se haya interpuesto una petición de reconsideración por

ARTICLE 4

Under the terms of the preceding article, a belligerent state is forbidden:

a) To make use of neutral waters as a base of naval operations against the enemy, or to renew or augment military supplies or the armament of its ships, or to complete the equipment of the latter;

b) To install in neutral waters radiotelegraph stations or any other apparatus which may serve as a means of communication with its military forces, or to make use of installations of this kind it may have established before the war and which may not have been opened to the public.

ARTICLE 5

Belligerent warships are forbidden to remain in the ports or waters of a neutral state more than twenty-four hours. This provision will be communicated to the ship as soon as it arrives in port or in the territorial waters, and if already there at the time of the declaration of war, as soon as the neutral state becomes aware of this declaration.

Vessels used exclusively for scientific, religious, or philanthropic purposes are exempted from the foregoing provisions.

A ship may extend its stay in port more than twenty-four hours in case of damage or bad conditions at sea, but must depart as soon as the cause of the delay has ceased.

When, according to the domestic law of the neutral state, the ship may not receive fuel until twenty-four hours after its arrival in port, the period of its stay may be extended an equal length of time.

ARTICLE 6

The ship which does not conform to the foregoing rules may be interned by order of the neutral government.

A ship shall be considered as interned from the moment it receives notice to that effect from the local neutral authority, even though a petition for reconsideration of the order has been

parte del buque infractor el cual quedará bajo custodia desde el momento mismo en que se le dé la orden.

ARTÍCULO 7

A falta de disposición especial de la legislación local, será de tres el máximum de naves de guerra de un beligerante que podrán encontrarse al mismo tiempo en puerto neutral.

ARTÍCULO 8

Ninguna nave de guerra podrá zarpar de un puerto neutral antes de que hayan transcurrido veinticuatro horas de la partida de una nave de guerra enemiga. Saldrá primero la que primero hubiese entrado, a no ser que se encuentre en las condiciones en que es permitida la prórroga de permanencia. En todo caso, la nave que llegó posteriormente tiene el derecho de notificar a la otra, por intermedio de la autoridad local competente, que dentro de veinticuatro horas abandonará el puerto, quedando en libertad de partir la que primero entrare dentro de ese plazo. Si zarpare, deberá la notificante aguardar el intervalo que más arriba se establece.

ARTÍCULO 9

No se permitirá a las naves beligerantes averiadas hacer en los puertos neutrales más reparaciones que las indispensables para la continuación del viaje y que no constituyan en manera alguna un aumento de su poder militar.

No podrán repararse en ningún caso las averías que resulten haber sido producidas por el fuego del enemigo.

El estado neutral comprobará la naturaleza de las reparaciones a efectuar y velará porque sean practicadas lo más brevemente posible.

ARTÍCULO 10

Las naves de guerra de los beligerantes podrán aprovisionarse de combustible y avituallarse en los puertos neutrales, en las condiciones que la autoridad local haya establecido especialmente y a falta de disposiciones especiales en la misma forma que existe

interposed by the transgressing vessel, which shall remain under custody from the moment it receives the order.

ARTICLE 7

In the absence of a special provision of the local legislation, the maximum number of ships of war of a belligerent which may be in a neutral port at the same time shall be three.

ARTICLE 8

A ship of war may not depart from a neutral port within less than twenty-four hours after the departure of an enemy warship. The one entering first shall depart first, unless it is in such condition as to warrant extending its stay. In any case the ship which arrived later has the right to notify the other through the competent local authority that within twenty-four hours it will leave the port, the one first entering, however, having the right to depart within that time. If it leaves, the notifying ship must observe the interval which is above stipulated.

ARTICLE 9

Damaged belligerent ships shall not be permitted to make repairs in neutral ports beyond those that are essential to the continuance of the voyage and which in no degree constitute an increase in its military strength.

Damages which are found to have been produced by the enemy's fire shall in no case be repaired.

The neutral state shall ascertain the nature of the repairs to be made and will see that they are made as rapidly as possible.

ARTICLE 10

Belligerent warships may supply themselves with fuel and stores in neutral ports, under the conditions especially established by the local authority and in case there are no special provisions to that effect, they may supply themselves in the manner

para el avituallamiento en tiempo de paz.

ARTÍCULO 11

Las naves de guerra que reciban combustibles en un puerto neutral, no podrán renovar su provisión en el mismo estado antes de transcurridos tres meses.

ARTÍCULO 12

En lo que se refiere a la permanencia, abastecimientos y aprovisionamiento de las naves beligerantes en los puertos y aguas jurisdiccionales de los neutrales, las disposiciones relativas a las naves de guerra se aplicarán igualmente:

1. A las naves auxiliares ordinarias;
2. A los buques mercantes transformados en naves de guerra de acuerdo con la Convención VII de La Haya de 1907.

Será confiscado el buque neutral, y, de una manera general será susceptible del mismo tratamiento que los buques mercantes enemigos:

a) Cuando tome parte directa en las hostilidades;
b) Cuando se halle a las órdenes o bajo la dirección de un agente puesto a bordo por un gobierno enemigo;
c) Cuando esté fletado en su totalidad por un gobierno enemigo;
d) Cuando esté actual y exclusivamente destinado al trasporte de tropas enemigas, o a la trasmisión de noticias en interés del enemigo.

En los casos de que trata el presente artículo, las mercancías pertenecientes al propietario del buque o nave, estarán igualmente sujetas a confiscación.

3. A los buques mercantes armados.

ARTÍCULO 13

Los buques auxiliares de los beligerantes, transformados de nuevo en barcos mercantes, serán admitidos en tal carácter en los puertos neutrales, a condición de:

1. Que el navío nuevamente transformado no haya violado la neutralidad del país a que llegue;
2. Que la nueva transformación se haya realizado en los puertos o aguas jurisdiccionales del país a que pertenezca el buque o en los puertos de sus aliados;

prescribed for provisioning in time of peace.

ARTICLE 11

Warships which obtain fuel in a neutral port cannot renew their supply in the same state until a period of three months has elapsed.

ARTICLE 12

Where the sojourn, supplying, and provisioning of belligerent ships in the ports and jurisdictional waters of neutrals are concerned, the provisions relative to ships of war shall apply equally:

1. To ordinary auxiliary ships;
2. To merchant ships transformed into warships, in accordance with Convention VII of The Hague of 1907.

The neutral vessel shall be seized and in general subjected to the same treatment as enemy merchantmen:

a) When taking a direct part in the hostilities;
b) When at the orders or under the direction of an agent placed on board by an enemy government;
c) When entirely freight-loaded by an enemy government;
d) When actually and exclusively destined for transporting enemy troops or for the transmission of information on behalf of the enemy.

In the cases dealt with in this article, merchandise belonging to the owner of the vessel or ship shall also be liable to seizure.

3. To armed merchantmen.

ARTICLE 13

Auxiliary ships of belligerents, converted anew into merchantmen, shall be admitted as such in neutral ports subject to the following conditions:

1. That the transformed vessel has not violated the neutrality of the country where it arrives;
2. That the transformation has been made in the ports or jurisdictional waters of the country to which the vessel belongs, or in the ports of its allies;

3. Que la transformación sea efectiva, es decir: que el buque no revele ni en su tripulación ni en sus instalaciones que pueda prestar a la flota armada de su país servicio en calidad de auxiliar, como lo hacía anteriormente;
4. Que el gobierno del país a que pertenezca el buque comunique a los estados los nombres de las naves auxiliares que hayan perdido esa calidad para recobrar la de mercante; y
5. Que el mismo gobierno se comprometa a que dichos buques no se destinen nuevamente al servicio de la flota armada en calidad de auxiliares.

3. That the transformation be genuine, namely, that the vessel show neither in its crew nor in its equipment that it can serve the armed fleet of its country as an auxiliary, as it did before;

4. That the government of the country to which the ship belongs communicate to the states the names of auxiliary craft which have lost such character in order to recover that of merchantmen; and
5. That the same government obligate itself that said ships shall not again be used as auxiliaries to the war fleet.

ARTÍCULO 14

Las aeronaves de los beligerantes no volarán sobre el territorio o aguas jurisdiccionales de los neutrales a no ser de conformidad con los reglamentos de éstos.

ARTICLE 14

The airships of belligerents shall not fly above the territory or the territorial waters of neutrals if it is not in conformity with the regulations of the latter.

SECCIÓN III.—*Derechos y deberes de los neutrales*

SECTION III.—*Rights and duties of neutrals*

ARTÍCULO 15

Entre los actos de asistencia que procedan de los estados neutrales y los actos de comercio que realicen los individuos, sólo los primeros son contrarios a la neutralidad.

ARTICLE 15

Of the acts of assistance coming from the neutral states, and the acts of commerce on the part of individuals, only the first are contrary to neutrality.

ARTÍCULO 16

Está prohibido al estado neutral:

a) Entregar al beligerante directa o indirectamente o sea cual fuere el motivo, naves de guerra, municiones o cualquier material de guerra;
b) Concederle empréstitos o abrirle crédito mientras dure la guerra.

No se incluyen en esta prohibición los créditos que un estado neutral conceda para facilitar la venta o la exportación de sus productos alimenticios y materias primas.

ARTICLE 16

The neutral state is forbidden:

a) To deliver to the belligerent, directly or indirectly, or for any reason whatever, ships of war, munitions or any other war material;
b) To grant it loans, or to open credits for it during the duration of war.

Credits that a neutral state may give to facilitate the sale or exportation of its food products and raw materials are not included in this prohibition.

ARTÍCULO 17

Las presas no podrán ser conducidas a puerto neutral sino en caso de innavegabilidad, mal estado del mar o faltas de combustible o de provisiones. Cesada la causa, las presas deberán alejarse inmediatamente; si no ocurre

ARTICLE 17

Prizes cannot be taken to a neutral port except in case of unseaworthiness, stress of weather, or want of fuel or provisions. When the cause has disappeared, the prizes must leave immediately; if none of the indicated con-

ninguna de las hipótesis señaladas, el estado les intimidará la partida y, no siendo obedecida recurrirá a los medios de que disponga para desarmar tanto las naves como sus oficiales y tripulación o internar la guardia puesta a bordo por el captor.

ARTÍCULO 18

Fuera de los casos previstos en el artículo 17 el estado neutral debe libertar las presas que hayan sido conducidas a sus aguas jurisdiccionales.

ARTÍCULO 19

Cuando un buque que lleve mercancías deba ser internado en país neutral, se procederá al desembarco que esté destinado a dicho país y al trasbordo de las que vayan a otro.

ARTÍCULO 20

El buque mercante que, abastecido de combustible o de otras provisiones en un estado neutral, cediere reiteradamente todo o parte de su abastecimiento a nave beligerante, no podrá recibir otra vez provisiones y combustibles en el mismo estado.

ARTÍCULO 21

Si resultare que el buque mercante de bandera beligerante, por su preparación u otras circunstancias, puede proporcionar a las naves de guerra de un estado las provisiones que necesiten, la autoridad local podrá negarle el aprovisionamiento o exigir del agente de la compañía la garantía de que el referido buque no auxiliará o asistirá a nave alguna.

ARTÍCULO 22

Los estados neutrales no están obligados a impedir la exportación o el tránsito, por cuenta de uno u otro de los beligerantes de armas, municiones y en general de todo cuanto pueda ser útil a sus fuerzas militares.

Deberá permitir el tránsito cuando hallándose en guerra dos naciones americanas, uno de los beligerantes es un país mediterráneo, que no tenga otros medios de proveerse y siempre que no afecte los intereses vitales del país cuyo tránsito se pide.

ditions exist, the state shall suggest to them that they depart, and if not obeyed shall have recourse to the means at its disposal to disarm them with their officers and crew, or to intern the prize crew placed on board by the captor.

ARTICLE 18

Outside of the cases provided for in Article 17, the neutral state must release the prizes which may have been brought into its territorial waters.

ARTICLE 19

When a ship transporting merchandise is to be interned in a neutral state, cargo intended for said country shall be unloaded and that destined for others shall be transhipped.

ARTICLE 20

The merchantman supplied with fuel or other stores in a neutral state which repeatedly delivers the whole or part of its supplies to a belligerent vessel, shall not again receive stores and fuel in the same state.

ARTICLE 21

Should it be found that a merchantman flying a belligerent flag, by its preparations or other circumstances, can supply to warships of a state the stores which they need, the local authority may refuse it supplies or demand of the agent of the company a guaranty that the said ship will not aid or assist any belligerent vessel.

ARTICLE 22

Neutral states are not obligated to prevent the export or transit at the expense of any one of the belligerents of arms, munitions and in general of anything which may be useful to their military forces.

Transit shall be permitted when, in the event of a war between two American nations, one of the belligerents is a Mediterranean country, having no other means of supplying itself, provided the vital interests of the country through which transit is requested do not suffer by the granting thereof.

Artículo 23

Los estados neutrales no deben oponerse a la partida voluntaria de los nacionales de los estados beligerantes, aunque salgan en gran número al mismo tiempo; pero podrán oponerse a la partida voluntaria de sus propios nacionales que vayan a alistarse en las fuerzas armadas.

Artículo 24

El uso por los beligerantes de los medios de comunicaciones de los estados neutrales o que crucen o toquen el territorio de éstos queda sujeto a las medidas que dicte la autoridad local.

Artículo 25

Si a consecuencia de operaciones navales fuera de las jurisdiccionales de los estados neutrales, hubiere muertos o heridos en las naves beligerantes, dichos estados podrán enviar al lugar del siniestro barcos hospitales bajo la vigilancia del gobierno neutral. Estas naves gozarán de inviolabilidad completa durante su misión.

Artículo 26

Los estados neutrales están obligados a ejercer toda la vigilancia que le permiten los medios a su alcance, a fin de impedir en sus puertos o aguas jurisdiccionales cualquier violación de las disposiciones precedentes.

Sección IV.—*Del cumplimiento y atención de las leyes de la neutralidad*

Artículo 27

El beligerante que violare las disposiciones anteriores indemnizará el daño causado y responderá también por los actos de las personas que formaren parte de su fuerza armada.

Artículo 28

La presente convención no afecta los compromisos adquiridos anteriormente por las partes contratantes en virtud de acuerdos internacionales.

Artículo 29

La presente convención, después de firmada será sometida a la ratificación

Article 23

Neutral states shall not oppose the voluntary departure of nationals of belligerent states even though they leave simultaneously in great numbers; but they may oppose the voluntary departure of their own nationals going to enlist in the armed forces.

Article 24

The use by the belligerents of the means of communication of neutral states or which cross or touch their territory is subject to the measures dictated by the local authority.

Article 25

If as the result of naval operations beyond the territorial waters of neutral states there should be dead or wounded on board belligerent vessels, said states may send hospital ships under the vigilance of the neutral government to the scene of the disaster. These ships shall enjoy complete immunity during the discharge of their mission.

Article 26

Neutral states are bound to exert all the vigilance within their power in order to prevent in their ports or territorial waters any violation of the foregoing provisions.

Section IV.—*Fulfilment and observance of the laws of neutrality*

Article 27

A belligerent shall indemnify the damage caused by its violation of the foregoing provisions. It shall likewise be responsible for the acts of persons who may belong to its armed forces.

Article 28

The present convention does not affect obligations previously undertaken by the contracting parties through international agreements.

Article 29

After being signed, the present convention shall be submitted to the ratifi-

de los estados signatarios. El Gobierno de Cuba queda encargado de enviar copias certificadas auténticas a los gobiernos para el referido fin de la ratificación. El instrumento de ratificación será depositado en los archivos de la Unión Panamericana en Wáshington quien notificará sus depósitos a los gobiernos signatarios; tal notificación valdrá como canje de ratificaciones. Esta convención quedará abierta a la adhesión de los estados no signatarios.

En fe de lo cual, los plenipotenciarios expresados firman la presente convención en español, inglés, francés y portugués, en la ciudad de la Habana, el día 20 de febrero de 1928.

RESERVA DE LA DELEGACIÓN DE LOS ESTADOS UNIDOS DE AMÉRICA

La delegación de los Estados Unidos de América firma la presente convención haciendo reserva en cuanto al artículo 12, párrafo 3.

RESERVA DE LA DELEGACIÓN DE CHILE

La delegación de Chile firma la presente convención haciendo reserva en cuanto al inciso 2 del artículo 22.

RESERVA DE LA DELEGACIÓN DE CUBA

La delegación de la República de Cuba hace reserva al apartado 3 del artículo 12.

cation of the signatory states. The Government of Cuba is charged with transmitting authentic certified copies to the governments for the aforementioned purpose of ratification. The instrument of ratification shall be deposited in the archives of the Pan American Union in Washington, the Union to notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications. This convention shall remain open to the adherents of nonsignatory states.

In witness whereof, the aforenamed plenipotentiaries sign the present convention in Spanish, English. French, and Portuguese, in the city of Habana, the 20th day of February, 1928.

RESERVATION OF THE DELEGATION OF THE UNITED STATES OF AMERICA

The delegation of the United States of America signs the present convention with a reservation regarding Article 12, section 3.

RESERVATION OF THE DELEGATION OF CHILE

The delegation of Chile signs the present convention with a reservation concerning Article 22, paragraph 2.

RESERVATION OF THE DELEGATION OF CUBA

The delegation of the Republic of Cuba signs with a reservation in reference to Article 12, section 3.

APÉNDICE 14

CONVENCIÓN

[ASILO]

Deseosos los Gobiernos de los Estados de América de fijar las reglas que deben observar para la concesión del asilo en sus relaciones mutuas, han acordado establecerlas en una convención, y al efecto han nombrado como plenipotenciarios:

[Los nombres de los plenipotenciarios siguen.]

Quienes, después de haberse cambiado sus respectivos plenos poderes, que han sido encontrados en buena y debida forma, han convenido lo siguiente:

Artículo 1

No es lícito a los estados dar asilo en legaciones, navíos de guerra, campamentos o aeronaves militares, a personas acusadas o condenadas por delitos comunes ni a desertores de tierra y mar.

Las personas acusadas o condenadas por delitos comunes que se refugiaren en alguno de los lugares señalados en el párrafo precedente deberán ser entregadas tan pronto como lo requiera el gobierno local.

Si dichas personas se refugiaren en territorio extranjero la entrega se efectuará mediante extradición, y sólo en los casos y en la forma que establezcan los respectivos tratados y convenciones o la constitución y leyes del país de refugio.

Artículo 2

El asilo de delincuentes políticos en legaciones, navíos de guerra, campamentos o aeronaves militares, será respetado en la medida en que, como un derecho o por humanitaria tolerancia, lo admitieren el uso, las convenciones o las leyes del país de refugio y de acuerdo con las disposiciones siguientes:

1. El asilo no podrá ser concedido sino en casos de urgencia y por el

APPENDIX 14

CONVENTION

[ASYLUM]

The Governments of the States of America, being desirous of fixing the rules they must observe for the granting of asylum, in their mutual relations have agreed to establish them in a convention and to that end have appointed as plenipotentiaries:

[Here follow the names of the plenipotentiaries.]

Who, after exchanging their respective full powers, found to be in good and due form, have agreed on the following:

Article 1

It is not permissible for states to grant asylum in legations, warships, military camps, or military aircraft, to persons accused or condemned for common crimes, or to deserters from the army or navy.

Persons accused of or condemned for common crimes taking refuge in any of the places mentioned in the preceding paragraph, shall be surrendered upon request of the local government.

Should said persons take refuge in foreign territory, surrender shall be brought about through extradition, but only in such cases and in the form established by the respective treaties and conventions or by the constitution and laws of the country of refuge.

Article 2

Asylum granted to political offenders in legations, warships, military camps, or military aircraft, shall be respected to the extent in which allowed, as a right or through humanitarian toleration, by the usages, the conventions, or the laws of the country in which granted and in accordance with the following provisions:

1. Asylum may not be granted except in urgent cases and for the period

tiempo estrictamente indispensable para que el asilado se ponga de otra manera en seguridad.

2. El agente diplomático, jefe de navío de guerra, campamento o aeronave militar, inmediatamente después de conceder el asilo lo comunicará al ministro de relaciones exteriores del estado del asilado, o a la autoridad administrativa del lugar si el hecho ocurriera fuera de la capital.

3. El gobierno del estado podrá exigir que el asilado sea puesto fuera del territorio nacional dentro del más breve plazo posible; y el agente diplomático del país que hubiere acordado el asilo, podrá a su vez exigir las garantías necesarias para que el refugiado salga del país respetándose la inviolabilidad de su persona.

4. Los asilados no podrán ser desembarcados en ningún punto del territorio nacional ni en lugar demasiado próximo a él.

5. Mientras dure el asilo no se permitirá a los asilados practicar actos contrarios a la tranquilidad pública.

6. Los estados no están obligados a pagar los gastos por aquel que concede el asilo.

Artículo 3

La presente convención no afecta los compromisos adquiridos anteriormente por las partes contratantes en virtud de acuerdos internacionales.

Artículo 4

La presente convención, después de firmada será sometida a las ratificaciones de los estados signatarios. El Gobierno de Cuba queda encargado de enviar copias certificadas auténticas a los gobiernos para el referido fin de la ratificación. El instrumento de ratificación será depositado en los archivos de la Unión Panamericana en Wáshington, quien notificará ese depósito a los gobiernos signatarios; tal notificación valdrá como canje de ratificaciones. Esta convención quedará abierta a la adhesión de los estados no signatarios.

of time strictly indispensable for the person who has sought asylum to ensure in some other way his safety.

2. Immediately upon granting asylum, the diplomatic agent, commander of a warship, or military camp, or aircraft, shall report the fact to the minister of foreign relations of the state of the person who has secured asylum, or to the local administrative authority, if the act occurred outside the capital.

3. The government of the state may require that the refugee be sent out of the national territory within the shortest time possible; and the diplomatic agent of the country who has granted asylum may in turn require the guaranties necessary for the departure of the refugee with due regard to the inviolability of his person, from the country.

4. Refugees shall not be landed in any point of the national territory nor in any place too near thereto.

5. While enjoying asylum, refugees shall not be allowed to perform acts contrary to the public peace.

6. States are under no obligation to defray expenses incurred by one granting asylum.

Article 3

The present convention does not affect obligations previously undertaken by the contracting parties through international agreements.

Article 4

After being signed, the present convention shall be submitted to the ratification of the signatory states. The Government of Cuba is charged with transmitting authentic certified copies to the governments for the aforementioned purpose of ratification. The instrument of ratification shall be deposited in the archives of the Pan American Union in Washington, the Union to notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications. This convention shall remain open to the adherence of nonsignatory states.

En fe de lo cual los plenipotenciarios expresados firman la presente convención en español, inglés, francés y portugués, en la ciudad de la Habana, el día 20 de febrero de 1928.

In witness whereof, the aforenamed plenipotentiaries sign the present convention in Spanish, English, French, and Portuguese, in the city of Habana, the 20th day of February, 1928.

Reserva de la Delegación de los Estados Unidos de América

Los Estados Unidos de América, al firmarse la presente convención, hacen expresa reserva, haciendo constar que los Estados Unidos no reconocen y no firman la llamada doctrina del asilo como parte del derecho internacional.

Reservation of the Delegation of the United States of America

The delegation of the United States of America, in signing the present convention, establishes an explicit reservation, placing on record that the United States does not recognize or subscribe to as part of international law, the so-called doctrine of asylum.

APÉNDICE 15

CONVENCIÓN

[DEBERES Y DERECHOS DE LOS ESTADOS EN CASO DE LUCHAS CIVILES]

Los Gobiernos de las Repúblicas representadas en la Sexta Conferencia Internacional Americana celebrada en la ciudad de la Habana, República de Cuba, el año 1928, deseosos de llegar a un acuerdo en cuanto a los deberes y derechos de los estados en caso de luchas civiles, han nombrado sus plenipotenciarios:

[Los nombres de los plenipotenciarios siguen.]

Quienes, después de haberse cambiado sus respectivos plenos poderes, que han sido encontrados en buena y debida forma, han convenido lo siguiente:

ARTÍCULO 1

Los estados contratantes se obligan a observar las siguientes reglas respecto de la lucha civil en otro de ellos:

1. Emplear los medios a su alcance para evitar que los habitantes de su territorio, nacionales o extranjeros, tomen parte, reúnan elementos pasen la frontera o se embarquen en su territorio para iniciar o fomentar una lucha civil.

2. Desarmar e internar toda fuerza rebelde que traspase sus fronteras siendo los gastos de internación por cuenta del estado donde el orden hubiese sido alterado. Las armas encontradas en poder de los rebeldes podrán ser aprehendidas y retiradas por el gobierno del país de refugio, para devolverlas una vez terminada la contienda al estado en lucha civil.
3. Prohibir el tráfico de armas y material de guerra salvo cuando fueren destinadas al gobierno, mientras no esté reconocida la beligerancia de los rebeldes, caso en el cual se aplicarán las reglas de neutralidad.
4. Evitar que en su jurisdicción se equipe, arme o adopte a uso bélico cualquiera embarcación destinada a operar en interés de la rebelión.

APPENDIX 15

CONVENTION

[RIGHTS AND DUTIES OF STATES IN THE EVENT OF CIVIL STRIFE]

The Governments of the Republics represented at the Sixth International Conference of American States, held in the city of Habana, Republic of Cuba, in the year 1928, desirous of reaching an agreement as to the duties and rights of states in the event of civil strife, have appointed the following plenipotentiaries:

[Here follow the names of the plenipotentiaries.]

Who, after exchanging their respective full powers, which were found to be in good and due form, have agreed upon the following:

ARTICLE 1

The contracting states bind themselves to observe the following rules with regard to civil strife in another one of them:

1. To use all means at their disposal to prevent the inhabitants of their territory, nationals or aliens, from participating in, gathering elements, crossing the boundary or sailing from their territory for the purpose of starting or promoting civil strife.
2. To disarm and intern every rebel force crossing their boundaries, the expenses of internment to be borne by the state where public order may have been disturbed. The arms found in the hands of the rebels may be seized and withdrawn by the government of the country granting asylum, to be returned, once the struggle has ended, to the state in civil strife.
3. To forbid the traffic in arms and war material, except when intended for the government, while the belligerency of the rebels has not been recognized, in which latter case the rules of neutrality shall be applied.
4. To prevent that within their jurisdiction there be equipped, armed or adapted for warlike purposes any vessel intended to operate in favor of the rebellion.

ARTÍCULO 2

La calificación de piratería, emanada del gobierno de un país, contra buques alzados en armas no obliga a los demás estados.

El estado que sea agraviado por depredaciones provenientes de buques insurrectos tiene derecho para adoptar contra éstos las siguientes medidas punitivas: Si los causantes del hecho lesivo fueren naves de guerra, puede capturarlas para hacer entrega de ellas al gobierno del estado a que pertenezcan, el cual los juzgará; si los hechos lesivos provinieran de buques mercantes, el estado afectado puede capturarlos y aplicarles las leyes penales del caso.

El buque insurrecto, sea de guerra o mercante, que enarbole bandera de un estado extranjero para encubrir sus actos podrá también ser capturado y juzgado por el estado de dicha bandera.

ARTÍCULO 3

El buque insurrecto, de guerra o mercante equipado por la rebelión, que llegue a un país extranjero o busque refugio en él, será entregado por el gobierno de éste al gobierno constituído del país en lucha civil y los tripulantes serán considerados como refugiados políticos.

ARTÍCULO 4

La presente convención no afecta los compromisos adquiridos anteriormente por las partes contratantes en virtud de acuerdos internacionales.

ARTÍCULO 5

La presente convención, después de firmada será sometida a las ratificaciones de los estados signatarios. El Gobierno de Cuba queda encargado de enviar copias certificadas auténticas a los gobiernos para el referido fin de la ratificación. El instrumento de ratificación será depositado en los archivos de la Unión Panamericana en Wáshington, quien notificará esos depósitos a los gobiernos signatarios; tal ratificación valdrá como canje de

ARTICLE 2

The declaration of piracy against vessels which have risen in arms, emanating from a government, is not binding upon the other states.

The state that may be injured by depredations originating from insurgent vessels is entitled to adopt the following punitive measures against them: Should the authors of the damages be warships, it may capture and return them to the government of the state to which they belong, for their trial; should the damage originate with merchantmen, the injured state may capture and subject them to the appropriate penal laws.

The insurgent vessel, whether a warship or a merchantman, which flies the flag of a foreign country to shield its actions, may also be captured and tried by the state of said flag.

ARTICLE 3

The insurgent vessel, whether a warship or a merchantman, equipped by the rebels, which arrives at a foreign country or seeks refuge therein, shall be delivered by the government of the latter to the constituted government of the state in civil strife, and the members of the crew shall be considered as political refugees.

ARTICLE 4

The present convention does not affect obligations previously undertaken by the contracting parties through international agreements.

ARTICLE 5

After being signed, the present convention shall be submitted to the ratification of the signatory states. The Government of Cuba is charged with transmitting authentic certified copies to the governments for the aforementioned purpose of ratification. The instrument of ratification shall be deposited in the archives of the Pan American Union in Washington, the Union to notify the signatory governments of said deposit. Such notification shall be

ratificaciones. Esta convención quedará abierta a la adhesión de los estados signatarios.

En fe de lo cual los plenipotenciarios expresados firman la presente convención en español, inglés, francés y portugués, en la ciudad de la Habana, el día veinte de febrero de 1928.

considered as an exchange of ratifications. This convention shall remain open to the adherence of non-signatory states.

In witness whereof the aforenamed plenipotentiaries sign the present convention in Spanish, English, French, and Portuguese, in the city of Habana, the 20th day of February, 1928.

APÉNDICE 16

CONVENCIÓN

[UNIÓN PANAMERICANA]

Sus Excelencias los Presidentes de las Repúblicas de Perú, Uruguay, Panamá, Ecuador, México, El Salvador, Guatemala, Nicaragua, Bolivia, Venezuela, Colombia, Honduras, Costa Rica, Chile, Brasil, Argentina, Paraguay, Haití, República Dominicana, Estados Unidos de América y Cuba, por medio de sus correspondientes delegados plenipotenciarios han acordado celebrar la siguiente convención, que será firmada como lo dispone su artículo final:

Las Repúblicas Americanas, cuya unión moral descansa en la igualdad jurídica de las repúblicas del continente y en el respeto mutuo de los derechos inherentes a su completa independencia, queriendo proveer eficazmente a la conciliación creciente de sus intereses económicos, y a la coordinación de sus actividades de carácter social e intelectual, y reconociendo que las relaciones entre los pueblos están reguladas tanto por el derecho como por sus legítimos intereses individuales y colectivos;

Acuerdan continuar realizando su acción conjunta de cooperación y de solidaridad por medio de las reuniones periódicas de las Conferencias Internacionales Americanas así como por medio también de los órganos establecidos en virtud de acuerdos internacionales y mediante la Unión Panamericana, que tiene su sede en Wáshington, y cuya organización y funciones serán regidas por la presente convención, en los términos que siguen:

ARTÍCULO 1.—*Organos de la Unión de los Estados Americanos*

La Unión de los Estados Americanos propende al cumplimiento de su finalidad mediante los órganos siguientes:

a) La Conferencia Internacional Americana;

APPENDIX 16

CONVENTION

[PAN AMERICAN UNION]

Their Excellencies the Presidents of the Republics of Perú, Uruguay, Panamá, Ecuador, Mexico, Salvador, Guatemala, Nicaragua, Bolivia, Venezuela, Colombia, Honduras, Costa Rica, Chile, Brazil, Argentina, Paraguay, Haiti, Dominican Republic, the United States of America and Cuba, through their respective plenipotentiary delegates, have agreed upon the following convention, which shall be signed in the manner provided for in the final article:

The American Republics, whose moral union rests on the juridical equality of the republics of the continent and on the mutual respect of the rights inherent in their complete independence, desirous of promoting efficaciously the increasing conciliation of their economic interests and coordination of their social and intellectual activities, and recognizing that relations between peoples are regulated by law as well as by their legitimate individual and collective interests;

Agree to continue their joint action of cooperation and solidarity by means of periodic meetings of the International Conferences of American States, as well as by means of organs established by virtue of international agreements, and through the Pan American Union which has its seat in Washington and whose organization and functions shall be regulated by the present convention, in the following terms:

ARTICLE 1.—*Organs of the Union of the American States*

The Union of the American States strives for the fulfilment of its object through the following organs:

a) The International Conference of American States;

b) La Unión Panamericana bajo la dirección de un Consejo Directivo, con sede en la ciudad de Wáshington;
c) Todo órgano que sea establecido en virtud de convenciones entre los estados americanos.

La representación de cada estado en las Conferencias y en el Consejo Directivo es de derecho propio.

ARTÍCULO 2.—*Conferencias Internacionales Americanas*

Las conferencias serán periódicas. El Consejo Directivo de la Unión Panamericana señalará la fecha en que deberán reunirse, sin que en ningún caso pueda mediar entre una y otra un plazo mayor de cinco años, salvo por causa de fuerza mayor.

ARTÍCULO 3.—*Consejo Directivo*

La dirección de la Unión Panamericana la ejercerá un Consejo Directivo formado por los representantes que cada uno de los gobiernos americanos tenga a bien designar. Puede recaer la designación en los representantes diplomáticos de los respectivos países en Wáshington.

Además de su propio país, un miembro del Consejo puede representar de modo excepcional a otro u otros, disponiendo en este caso de tantos votos cuantos países represente.

El Consejo elegirá anualmente su Presidente y Vicepresidente.

ARTÍCULO 4.—*Funcionarios ejecutivos.*

El Consejo Directivo nombrará los siguientes funcionarios:

Un Director General, que tendrá a su cargo la administración de la Unión Panamericana, con facultades para promover su más amplio desarrollo, de acuerdo con los términos de esta convención, del reglamento y de las resoluciones del Consejo, ante el cual será responsable.

El Director General asistirá, como consultor, a las sesiones del Consejo Directivo, de las comisiones designadas por el mismo, y de las Conferencias

b) The Pan American Union under the direction of a Governing Board with its seat in the city of Washington;
c) Every organ that may be established by virtue of conventions between the American states.

Each state enjoys, as of right, representation at the conferences and on the Governing Board.

ARTICLE 2.—*The International Conferences of American States*

The conferences shall meet at periodic intervals. The Governing Board of the Pan American Union shall determine the date on which they shall meet, provided that in no case shall a longer period than five years elapse between conferences, except in case of *force majeure.*

ARTICLE 3.—*Governing Board*

The government of the Pan American Union shall be vested in a Governing Board composed of the representatives that the American governments may appoint. The appointment may devolve upon the diplomatic representatives of the respective countries in Washington.

Besides his own country, a member of the Governing Board may serve as special representative of one or more countries, in which case such representative shall have as many votes as countries represented.

The Board shall elect its Chairman and Vice Chairman annually.

ARTICLE 4.—*Executive officers*

The Governing Board shall appoint the following officers:

A Director General, who shall have charge of the administration of the Pan American Union, with power to promote its most ample development in accordance with the terms of this convention, the regulations and the resolutions of the Board, to which body he shall be responsible.

The Director General shall attend, in an advisory capacity, the meetings of the Governing Board, of the committees appointed by the Board, and

Internacionales Americanas, a efecto de dar las informaciones que fueren del caso. Los gastos serán satisfechos con fondos de la Unión Panamericana.

Un Subdirector, que desempeñará las funciones de Secretario del Consejo Directivo.

El Director General preparará los reglamentos internos que regirán los distintos departamentos de la Unión Panamericana, ajustados a las disposiciones de la presente convención, y los someterá a la aprobación del Consejo Directivo.

El Director General presentará anualmente al Consejo Directivo en la sesión ordinaria en el mes de noviembre, un presupuesto detallado para el siguiente año fiscal.

El Director General presentará a la consideración de cada conferencia de las Repúblicas Americanas un informe detallado de las obras realizadas por la Unión Panamericana durante el período precedente a la reunión de la conferencia.

Corresponde al Director General nombrar, con la aprobación del Consejo Directivo, el personal que sea necesario para la Unión Panamericana, tratando, en cuanto sea posible, que se distribuyan los cargos entre nacionales de los diversos países miembros de la Unión.

of the International Conferences of American States for the purpose of giving such information as may be required. The necessary expenses shall be paid out of the funds of the Pan American Union.

An Assistant Director, who shall act as secretary of the Governing Board.

The Director General shall prepare the internal regulations by which the various divisions of the Pan American Union shall be governed, in accordance with the provisions of the present convention, and shall submit them to the Governing Board for approval.

The Director General shall present to the Governing Board annually, at the regular session of the Board in November, a detailed budget for the ensuing fiscal year.

The Director General shall submit to the consideration of each conference of the American Republics a detailed report on the work carried out by the Pan American Union during the period preceding the meeting of the conference.

The Director General shall appoint, with the approval of the Governing Board, the personnel necessary to the work of the Pan American Union, endeavoring as far as possible to distribute the positions among nationals of the countries members of the Union.

ARTICULO 5.—*Mantenimiento de la Unión Panamericana*

El Consejo Directivo de la Unión Panamericana fijará la cuota que para el sostenimiento de la Unión Panamericana corresponda a cada uno de los gobiernos miembros de ella; pero los aumentos en el presupuesto de la Unión Panamericana que excedan en más de 25 por ciento sobre el presupuesto del año anterior deberán ser aprobados por el voto unánime del Consejo Directivo, dándose a los representantes tiempo para consultar a sus respectivos gobiernos. La cuota se fijará tomando como base los últimos datos oficiales sobre la cifra de población

ARTICLE 5.—*Maintenance of the Pan American Union*

The Governing Board of the Pan American Union shall determine the quota which is to be paid by each of the governments members of the Union for the maintenance of the Pan American Union. But increases in the budget of the Pan American Union exceeding by more than twenty-five per cent the budget of the preceding year shall be approved by the unanimous vote of the Governing Board, the representatives being given time to consult their respective governments. The quota shall be determined on the basis of the latest official statistics of

de que esté en posesión la Unión Panamericana el 1º de julio de cada año. El presupuesto se comunicará antes del primero del año siguiente a los gobiernos miembros de la Unión, haciendo constar al transmitirlo la cuota que a cada país corresponda, la cual deberá pagarse antes del primero de julio de dicho año.

El Consejo Directivo elegirá de entre sus miembros una comisión encargada de examinar, en las fechas que el mismo Consejo fije, las cuentas de gastos de la Unión, de conformidad con las disposiciones establecidas por el reglamento y la opinión de tres expertos que al efecto se designarán.

ARTICULO 6.—*Funciones de la Unión Panamericana*

El Consejo Directivo, como la Unión Panamericana, tendrán las funciones que le atribuye la presente convención, bajo la reserva de que no tengan funciones de carácter político.

Las atribuciones de la Unión Panamericana son:

1. Compilar y distribuir informaciones y folletos referentes al desarrollo comercial, industrial, agrícola, social y educacional, así como al progreso en general de los países americanos.
2. Compilar y clasificar informaciones referentes a convenciones y tratados firmados entre las Repúblicas Americanas y entre éstas y otros estados, así como las referentes a la legislación de las primeras.
3. Cooperar al desarrollo de las relaciones comerciales, industriales, agrícolas, sociales y culturales, al estudio de los problemas del trabajo y a un conocimiento mutuo más íntimo entre las Repúblicas Americanas.
4. Actuar como Comisión Permanente de las Conferencias Internacionales Americanas, guardar sus informes y archivos; cooperar a obtener la ratificación de los tratados y convenciones, ejecutar y facilitar la ejecución de las resoluciones adoptadas por las Conferencias Internacionales Americanas, dentro de sus atribuciones; y pre-

population in possession of the Pan American Union on the first day of July of each year. The budget shall be communicated to the governments members of the Union before the first day of the ensuing calendar year, with an indication of the quota which each country shall pay, such payments to be made before the first of July of that year.

The Governing Board shall elect from among its members a committee charged with examining, on the dates determined by the Board, the accounts of the expenditures of the Union, in conformity with the provisions established by the regulations and the opinion of three experts to be appointed for the purpose.

ARTICLE 6.—*Functions of the Pan American Union*

Both the Governing Board and the Pan American Union shall discharge the duties assigned by this convention subject to the condition that they shall not exercise functions of a political character.

The functions of the Pan American Union are:

1. To compile and distribute information and reports concerning the commercial, industrial, agricultural, social, and educational development as well as the general progress of the American Republics.
2. To compile and classify information referring to the conventions and treaties concluded among the American Republics and between these and other states, as well as to the legislation of the former.
3. To assist in the development of commercial, industrial, agricultural, social, and cultural relations, the study of the problems of labor and the furtherance of a more intimate mutual acquaintance between the American Republics.
4. To act as a Permanent Commission of the International Conferences of American States; to keep their records and archives; to assist in obtaining ratification of the treaties and conventions; to carry out and facilitate the execution of the resolutions adopted by the International Conferences of American States, within the limits

parar, de acuerdo con los gobiernos, el programa de las Conferencias Internacionales Americanas y proponer a éstas un proyecto de reglamento.

5. Desempeñar aquellas funciones que le sean conferidas por la conferencia o por el Consejo Directivo, en uso de las facultades que le acuerda esta convención. Cuando un estado entendiese que sus intereses vitales están envueltos en una cuestión, o que de esta última resulta una obligación para él, podrá exigir que la resolución del Consejo sea tomada por unanimidad.
6. El Consejo Directivo podrá promover la reunión de conferencias internacionales de expertos para el estudio de problemas de carácter técnico de interés común para los países miembros de la Unión, y a este efecto podrá solicitar de los respectivos gobiernos el nombramiento de expertos que lo representen en dichas conferencias, que se reunirán en los lugares y en las fechas que determine el Consejo.

Para la consecución de los fines perseguidos al organizar esta institución, el Consejo Directivo procederá a establecer dentro de la Unión Panamericana, las secciones o departamentos administrativos que considere necesarios.

of its powers; and to prepare in agreement with the governments the program of the International Conferences of American States, and submit to the conferences a project of regulations.

5. To perform such other functions entrusted to it by the Conference or by the Governing Board, by virtue of the powers conferred upon it by this convention. Whenever a state believes that its vital interests are involved in a question, or that an obligation may thereby be imposed upon it, such state may require that the resolution of the Board be adopted by unanimous vote.
6. The Governing Board may promote the meeting of international conferences of experts to study problems of a technical character of common interest to the countries members of the Union, and to this end may request the governments to appoint experts to represent them at these conferences, which shall meet at the place and time determined by the Board.

To carry out the purposes for which the institution is organized the Governing Board shall provide for the establishment of such administrative divisions or sections within the Pan American Union as it may deem necessary.

ARTÍCULO 7.—*Depósito y canje de ratificaciones*

Los instrumentos de ratificación de los tratados, convenciones, protocolos y otros documentos diplomáticos suscritos en las Conferencias Internacionales Americanas, serán depositados en la Unión Panamericana por el respectivo representante en el Consejo Directivo, obrando en nombre de su gobierno, sin necesidad de plenos poderes especiales para el depósito de la ratificación. Del depósito de la ratificación se dejará constancia en un acta suscrita, por el representante en el Consejo del país que ratifica, por el Director General de la Unión Panamericana y por el secretario del Consejo Directivo.

La Unión Panamericana comunicará a todos los estados miembros de la Unión, por órgano de sus representantes en el Consejo, el depósito de las ratificaciones.

ARTICLE 7.—*Deposit and exchange of ratifications*

The instruments of ratification of the treaties, conventions, protocols, and other diplomatic documents signed at the International Conferences of American States shall be deposited at the Pan American Union by the respective representative on the Governing Board, acting in the name of his government, without need of special credentials for the deposit of the ratification. A record of the deposit of the ratification shall be made in a document signed by the representative on the Board of the ratifying country, by the Director General of the Pan American Union, and by the Secretary of the Governing Board.

The Pan American Union shall communicate to all the states members of the Union, through their representatives on the Board, the deposit of the ratification.

ARTÍCULO 8.—*Comunicación de documentos oficiales a la Unión Panamericana*

Los gobiernos de los países, miembros de la Unión enviarán a la Unión Panamericana dos ejemplares de los documentos oficiales y publicaciones que se refieran a los fines de la Unión, en cuanto lo permita la legislación interna de los respectivos países.

ARTÍCULO 9.—*Cooperación de las organizaciones oficiales Panamericanas*

Con el objeto de coordinar el resultado de los trabajos de otras organizaciones oficiales Panamericanas y de establecer entre ellas relaciones de estrecha cooperación, el programa de sus trabajos y el desarrollo de sus actividades serán materia de acuerdo entre sus cuerpos directivos y el Consejo Directivo de la Unión Panamericana, en cuanto sea posible.

Los gobiernos miembros de la Unión que no tengan un órgano eficiente para el estudio e información de asuntos Panamericanos, establecerán una comisión compuesta de personas de experiencia en esos asuntos o una oficina anexa al ministerio de relaciones exteriores encargadas de asuntos Panamericanos.

Estas comisiones u oficinas tendrán las siguientes atribuciones:

a) Cooperar cerca de sus respectivos gobiernos a la obtención de la ratificación de los tratados y convenciones, así como a la ejecución de los acuerdos aprobados por las Conferencias Internacionales Americanas;
b) Suministrar en tiempo oportuno a la Unión Panamericana las informaciones necesarias para la preparación de sus trabajos;
c) Presentar a la Unión, por medio de los órganos adecuados, aquellos proyectos que puedan considerar útiles para los propósitos de la Unión.

ARTÍCULO 10

El Consejo Directivo de la Unión Panamericana establecerá su reglamento y el estatuto de sus funcionarios, fijando sus asignaciones y jubilación.

ARTICLE 8.—*Communication of official documents to the Pan American Union*

The governments of the countries members of the Union shall transmit to the Pan American Union two copies of the official documents and publications which relate to the purposes of the Union, as far as the internal legislation of the respective countries may permit.

ARTICLE 9.—*Cooperation between official Pan American organizations*

For the purpose of coordinating the results of the work of other official Pan American organizations, and of establishing relations of close cooperation between them, the program of work and the development of their activities shall, as far as possible, be the subject of agreement between their directive bodies and the Governing Board of the Pan American Union.

The governments members of the Union which may not have an efficient organ for the study and investigation of Pan American affairs, shall establish a committee composed of persons of experience in such matters, or an office attached to the ministry of foreign affairs entrusted with Pan American affairs.

These committees or offices shall have the following duties:

a) To cooperate with their respective governments to obtain ratification of treaties and conventions, and to the carrying out of the agreements adopted by the International Conferences of American States;
b) To furnish the Pan American Union promptly with the information it may need in the preparation of its work;
c) To present to the Union through the proper channels such projects as they may consider useful to the purposes of the Union.

ARTICLE 10

The Governing Board of the Pan American Union shall prepare the regulations and fix the status of the members of the staff, determining their salaries and conditions of retirement.

ARTÍCULO 11

Toda correspondencia o envío que se haga por medio del correo a la Unión Panamericana, que lleve la indicación de franqueo usada por la Unión, así como toda correspondencia o envío que la Unión Panamericana haga, circulará exenta de porte por los correos de las Repúblicas americanas.

ARTÍCULO 12

Los estados contratantes podrán retirarse de la Unión Panamericana en cualquier momento, debiendo abonar sus cuotas respectivas por el término del año fiscal corriente.

ARTÍCULO 13

Esta convención no puede ser modificada sino de la misma manera en que fué adoptada.

ARTÍCULO 14

La presente convención será ratificada por los estados signatarios, y queda abierta a la firma y a la ratificación de los estados representados en la Conferencia que no hayan podido suscribirla.

El Presidente de la Conferencia, por conducto del Gobierno de la República de Cuba, remitirá a los gobiernos representados en aquella un ejemplar autenticado del presente proyecto de convención, a fin de que, si lo aprueban, produzca su adhesión. A este efecto, los gobiernos que se adhieran autorizarán a sus respectivos representantes diplomáticos o especiales radicados en la ciudad de la Habana para que procedan a firmar la convención. Producida la firma por todos los estados, se someterá la convención por cada gobierno a la correspondiente ratificación.

La presente convención entrará en vigor cuando todos los estados representados en la Conferencia reciban aviso de que todas las ratificaciones han sido depositadas en la Unión Panamericana y todas las adhesiones y ratificaciones de las veintiún Repúblicas Americanas han sido recibidas.

En testimonio de lo cual, firman y sellan la presente convención.

ARTICLE 11

All correspondence and matter transmitted through the mails to the Pan American Union, which bears the frank used by the Union, and all correspondence or matter transmitted by the Pan American Union, shall be carried free of charge by the mails of the American Republics.

ARTICLE 12

The contracting states may withdraw from the Pan American Union at any time, but shall pay their respective quotas for the period of the current fiscal year.

ARTICLE 13

This convention cannot be modified except in the same manner in which it was adopted.

ARTICLE 14

The present convention shall be ratified by the signatory states, and is open to the signature and ratification of the states represented at the Conference that may not have been able to sign.

The President of the Conference, through the Government of the Republic of Cuba, shall send to the governments represented at the Conference an authenticated copy of the present project of convention in order that, if the governments approve, it may receive their adhesion. For this purpose, the governments that adhere to the convention shall authorize their respective diplomatic or special representatives in the city of Habana to sign the convention. All the states having signed, the convention shall be submitted by each government for ratification.

The present convention shall become effective when all the states represented at the Conference receive notice that all the ratifications have been deposited with the Pan American Union, and that the adhesions and ratifications of the twenty-one American Republics have been received.

In witness whereof, the delegates sign and affix their seals to the present convention.

Declaración de la Argentina

La delegación Argentina declara, de acuerdo con instrucciones expresas de su gobierno, que aprueba el proyecto de convención, que lo firmará; pero que hace ahora la reserva de que lamenta no se hayan incluido en esta convención los principios económicos que sustentó en el seno de la comisión.

Declaration of the Delegation of Argentina

The Argentine delegation declares, pursuant to express instructions of its Government, that it approves and will sign the project of convention; but that it now wishes to formulate the reservation that it regrets that the economic principles which it upheld in the committee have not been included in this convention.

APÉNDICE 17

RESOLUCIÓN

[UNIÓN PANAMERICANA]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Que la Unión Panamericana siga regida por las resoluciones en vigor hasta que los estados que la forman resuelvan en contrario, con las siguientes modificaciones:

1. La dirección de la Unión Panamericana la ejercerá un Consejo Directivo formado por los representantes que cada uno de los gobiernos americanos tenga a bien designar. Puede recaer la designación en los representantes diplomáticos de los respectivos países en Washington.

2. Corresponde al Director General nombrar, con la aprobación del Consejo Directivo, el personal que sea necesario para la Unión Panamericana tratando, en cuanto sea posible, que se distribuyan los cargos entre nacionales de los diversos países miembros de la Unión.

3. Tanto el Consejo Directivo como la Unión Panamericana no tendrán funciones de carácter político.

4. El Consejo Directivo de la Unión Panamericana establecerá su reglamento y el estatuto de sus funcionarios, fijando sus asignaciones y jubilación.

5. Los estados que forman parte de la Unión podrán retirarse de ella en cualquier momento, debiendo abonar sus cuotas respectivas por el término del año fiscal corriente.

APPENDIX 17

RESOLUTION

[PAN AMERICAN UNION]

The Sixth International Conference of American States,

RESOLVES:

That the Pan American Union continue to be governed by the resolutions in force, until the states members of the Union resolve otherwise, with the following modifications:

1. The government of the Pan American Union shall be vested in a Governing Board composed of the representatives that the American Governments may appoint. The appointment may devolve upon the diplomatic representatives of the respective countries at Washington.

2. The Director General shall appoint, with the approval of the Governing Board, the personnel necessary to the work of the Pan American Union, endeavoring as far as possible to distribute the positions among the nationals of the countries members of the Union.

3. Neither the Governing Board nor the Pan American Union shall exercise functions of a political character.

4. The Governing Board of the Pan American Union shall prepare the regulations and fix the status of the members of the staff, determining their salaries and conditions of retirement.

5. The States members of the Union may withdraw from the Union at any time, but shall pay their respective quotas for the period of the current fiscal year.

APÉNDICE 18

RESOLUCIÓN

[RATIFICACIÓN DEL CÓDIGO SANITARIO PANAMERICANO]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Recomendar a todos los países que no han ratificado hasta la fecha el código sanitario panamericano, adoptado en forma de convención por la Séptima Conferencia Sanitaria Panamericana, suscrita en la Habana el 15 de noviembre de 1924 y cuyo texto fué objeto de diversas interpretaciones por la Octava Conferencia Sanitaria Panamericana, efectuada en Lima del 12 al 20 de octubre de 1927, que procuren a la mayor brevedad posible ratificarlo y aplicar sus disposiciones en su mayor amplitud, a efecto de que, todos y cada uno de los países de la Unión Panamericana estén en aptitud de presentar en la próxima Novena Conferencia Sanitaria Panamericana, que habrá de efectuarse en Buenos Aires, las observaciones que sus respectivas experiencias les hubieren ofrecido y poder así modificar su texto en todo aquello que se juzgue necesario por la misma conferencia o que se imponga de acuerdo con los adelantos de la ciencia que para entonces se hubieren alcanzado.

APPENDIX 18

RESOLUTION

[RATIFICATION OF THE PAN AMERICAN SANITARY CODE]

The Sixth International Conference of American States,

RESOLVES:

To recommend to all countries which have not up to the present ratified the Pan American Sanitary Code, adopted in the form of a convention by the Seventh Pan American Sanitary Conference and signed in Habana on Novenber 15, 1924, the text of which was the object of several interpretations by the Eighth Pan American Sanitary Conference held in Lima, Perú, from the 12th to the 20th of October, 1927, that they should try in the shortest time possible to have it ratified and to apply its stipulations in their widest sense, so that each and all of the countries of the Pan American Union may be in a position to present to the forthcoming Ninth Pan American Sanitary Conference, to be held in Buenos Aires, the suggestions that their respective experiences may have brought out; in this manner it may be possible to modify its text in so far as may be deemed necessary by the same conference, or as may have become imperative because of the progress made by science up to that time.

APÉNDICE 19

RESOLUCIÓN

[CONSEJEROS TÉCNICOS EN MATERIA DE HIGIENE PARA FUTURAS CONFERENCIAS Y FOMENTO DE LA SALUBRIDAD PÚBLICA]

La Sexta Conferencia Internacional Americana,

RESUELVE:

1. Encarecer a los gobiernos de los países americanos que envíen a las futuras Conferencias Internacionales Americanas, consejeros técnicos, a efecto de que pueda obtenerse su colaboración en la Comisión de Higiene que en ellas deberá existir, de acuerdo con la correspondiente resolución de la Quinta Conferencia Internacional Americana;

2. Encarecer a los gobiernos de los países americanos que envíen a las futuras Conferencias Internacionales Americanas, los informes sobre el adelanto realizado en materia de higiene en sus respectivos países, con posterioridad a la conferencia anterior, de conformidad con la correspondiente resolución de la Quinta Conferencia Internacional Americana;

3. Recomendar a los países americanos que, al establecer la especialización del personal sanitario, procuren formar un cuerpo de enfermeras visitadoras sanitarias, debidamente tituladas, que son indispensables para la eficiencia de los servicios sanitarios, evitando en todo lo posible el empleo de las que no llenen estas condiciones;

4. Recomendar a los países americanos que, en la medida de sus necesidades y posibilidades, procuren y estimulen el intercambio de especialistas en materia de salubridad y de higiene entre Instituciones oficiales y particulares, como medio de fomentar el más amplio desarrollo de los conocimientos sanitarios;

APPENDIX 19

RESOLUTION

[TECHNICAL ADVISERS ON HYGIENE FOR FUTURE CONFERENCES AND PROMOTION OF PUBLIC HEALTH]

The Sixth International Conference of American States,

RESOLVES:

1. To earnestly recommend that all the Governments of American States send technical advisers to future International Conferences of American States, so that their cooperation may be had in the Committee on Hygiene, a committee which must necessarily be a part of the Conferences in accordance with the resolution adopted by the Fifth International Conference of American States;

2. To earnestly recommend that all the Governments of American States send to future International Conferences of American states whatever reports they may have available on the progress made on the subject of hygiene in their respective countries since the holding of the previous Conference, in accordance with the resolution adopted by the Fifth International Conference of American States;

3. To recommend to the American countries that upon the establishment of the specialization of the sanitary personnel, they proceed to create a corps of visiting sanitary nurses, properly licensed, who are indispensable for the efficiency of the sanitary services, and that they avoid as far as possible the employment of nurses not so qualified;

4. To recommend to the American countries that in accordance with the measure of their needs and possibilities they arrange for and encourage the exchange of specialists in the field of public health and hygiene between official and private institutions, as a means of furthering the amplest development of sanitary knowledge;

5. Encomendar a la Oficina Sanitaria Panamericana el estudio de los tipos o "standards" sobre la preparación de productos biológicos, a efecto de que la Novena Conferencia Sanitaria Panamericana procure su unificación;

6. Recomendar a la Oficina Sanitaria Panamericana, la divulgación, entre los países interesados, de la existencia de la edición española de la décima revisión de la *Farmacopea de los Estados Unidos de América.*

5. To recommend to the Pan American Sanitary Bureau the study of types or standards for the preparation of biological products to the end that the Ninth Pan American Sanitary Conference may secure their uniformity;

6. To recommend to the Pan American Sanitary Bureau that it make known to interested countries the existence of the Spanish edition of the tenth revision of the *Pharmacopœia of the United States of America.*

APÉNDICE 20

RESOLUCIÓN

CONFERENCIAS PANAMERICANAS DE LA CRUZ ROJA]

La Sexta Conferencia Internacional Americana,

RESUELVE:

1. Llamar la atención de los gobiernos de las Repúblicas Americanas acerca de la importancia de la labor que está llamada a desempeñar la Cruz Roja en tiempo de paz, y de las grandes posibilidades que encierra su programa para completar la acción de los poderes públicos en materia de higiene y de educación; recomendándoles presten un apoyo efectivo a sus respectivas sociedades nacionales, estimulen la creación de Cruces Rojas en aquellas Repúblicas en que no se han fundado todavía y busquen las formas más convenientes de cooperación entre dichas sociedades y las autoridades sanitarias y educativas.

2. Expresar su complacencia por el resultado de las Conferencias Panamericanas de la Cruz Roja, celebradas en Buenos Aires y en Washington, en 1923 y 1926, respectivamente, convocadas por la Liga de las Sociedades de la Cruz Roja y recomendar a los gobiernos de las Repúblicas Americanas que presten su apoyo a la Tercera Conferencia Panamericana de la Cruz Roja, que habrá de celebrarse en Río de Janeiro.

3. Recomendar a la Unión Panamericana que siga colaborando al desarrollo de las Cruces Rojas en América.

APPENDIX 20

RESOLUTION

[PAN AMERICAN RED CROSS CONFERENCES]

The Sixth International Conference of American States,

RESOLVES:

1. To invite the attention of the Governments of the American Republics to the importance of the work which the Red Cross is called upon to do in time of peace and to the great possibilities which its program holds to complement the action of the public authorities in matters of hygiene and education, recommending to said Governments that they lend effective aid to their respective national societies, that they further the creation of the Red Cross in those republics where it has not been established, and that they seek the most convenient methods of cooperation between said societies and the sanitary and educational authorities.

2. To express its pleasure at the results obtained by the Pan American Red Cross Conferences called by the League of Red Cross Societies, which were held at Buenos Aires and Washington in 1923 and 1926 respectively, and to recommend to the Governments of the American Republics that they lend their aid to the Third Pan American Red Cross Conference which is to meet at Rio de Janeiro.

3. To recommend to the Pan American Union that it continue to collaborate in the development of the Red Cross in America.

APÉNDICE 21

RESOLUCIÓN

[CONFERENCIAS PANAMERICANAS DE REPRESENTANTES DE SANIDAD PÚBLICA]

La Sexta Conferencia Internacional Americana,

RESUELVE:

1. Tomar nota de las conclusiones de la Primera Conferencia Panamericana de los Representantes de Sanidad Pública efectuada en Wáshington en septiembre de 1926 y también de los resultados prácticos de ella derivados.

2. Recomendar que las futuras Conferencias Panamericanas de Representantes de Sanidad Pública traten de preferencia el intercambio que debe existir en ideas, puntos de vista y experiencias relativas a la sanidad e higiene, procurando la determinación de sugestiones que, por su índole y valor informativo, puedan servir de base a la confección de programas de las Conferencias Sanitarias Panamericanas.

3. Recomendar que un representante oficial de la Oficina Sanitaria Panamericana asista a las futuras Conferencias de Representantes de Sanidad Pública.

APPENDIX 21

RESOLUTION

[PAN AMERICAN CONFERENCES OF REPRESENTATIVES OF PUBLIC HEALTH SERVICES]

The Sixth International Conference of American States,

RESOLVES:

1. To take note of the conclusions of the first Pan American Conference of Representatives of Public Health Services, held at Washington in September 1926, as well as of the practical results derived therefrom.

2. To recommend that the future Pan American Conferences of Representatives of Public Health Services deal preferentially with the exchange, which ought to exist, of ideas, points of view, and experiences relative to sanitation and hygiene, attempting at the same time to submit suggestions which because of their character and informative value, may serve as a basis for the preparation of programs of future Pan American Sanitary Conferences.

3. To recommend that an official representative of the Pan American Sanitary Bureau attend the future Pan American Conferences of Representatives of Public Health Services.

APÉNDICE 22

RESOLUCIÓN

[APLICACIÓN DE LOS PRINCIPIOS Y PROCEDIMIENTOS DE ADMINISTRACIÓN EN MATERIA DE SALUBRIDAD PÚBLICA]

La Sexta Conferencia Internacional Americana,

RESUELVE:

1. Reconocer que la aplicación de los principios y procedimientos de administración en materia de salubridad pública, aprobados por la Quinta Conferencia Internacional Americana, en su sesión de 16 de abril de 1923, ha constituído un factor de eficiencia y desarrollo en la sanidad e higiene de los países americanos y recomendar igualmente a todos los países americanos que procuren no escatimar esfuerzo alguno en la consecución de los fines que se persiguen en la aplicación de dichos principios y procedimientos.

2. Recomendar a todos los países americanos que, de acuerdo con sus conveniencias y a fin de obtener un personal idóneo que tan indispensable es para la eficiencia de los servicios sanitarios, procuren establecer:

a) La enseñanza sanitaria del personal que utilicen, en escuelas especializadas;

b) La carrera sanitaria, constituída por un cuerpo de oficiales sujetos a un escalafón, inamovibles en el servicio, cuyos ascensos estén basados únicamente en servicios meritorios y garantizado su retiro con paga.

3. Encarecer a la Novena Conferencia Sanitaria Panamericana, que procure establecer las bases para la enseñanza y carrera sanitaria antes dichas que puedan fácilmente adaptarse a las necesidades de cada país.

APPENDIX 22

RESOLUTION

[APPLICATION OF PRINCIPLES AND PROCEDURE OF PUBLIC HEALTH ADMINISTRATION]

The Sixth International Conference of American States,

RESOLVES:

1. To acknowledge that the application of the principles and administrative procedures in matters of public health approved by the Fifth International Conference of American States, in its session of April 16, 1923, has been a factor of efficiency and development in the sanitation and hygiene of the American countries, and also to recommend to all the American nations that they strive not to withhold any effort for the attainment of the ends sought by the application of the said principles and procedures.

2. To recommend to all the American countries that for the purpose of obtaining capable personnel, which is so indispensable to the efficiency of the sanitary service, they should, consulting their own convenience, strive to establish:

a) The sanitary training, in specialized schools, of the personnel they utilize;

b) The public health profession, to consist of a corps of officials with permanent tenure of office, arranged in grades, whose promotions will be based only on meritorious service, and with retirement pay guaranteed.

3. To earnestly recommend to the Ninth Pan American Sanitary Conference that it strive to establish bases for the aforementioned sanitary training and profession, which may be readily adapted to the needs of each country.

APÉNDICE 23

RESOLUCIÓN

[CONFERENCIA DE EUGENESIA Y HOMICULTURA]

La Sexta Conferencia Internacional Americana.

RESUELVE:

1. Tomar nota de las actas y resoluciones de la Primera Conferencia de Eugenesia y Homicultura celebrada en la Habana del 21 al 23 de diciembre de 1927, y recomendar a los gobiernos de las Repúblicas Americanas su estudio y la aplicación de todo aquello que juzguen conveniente.

2. Encarecer a la Novena Conferencia Sanitaria Panamericana y a la Segunda Conferencia de Eugenesia y Homicultura, que habrán de celebrarse en Buenos Aires, República Argentina, que estudien la manera más conveniente de armonizar el funcionamiento de la Oficina Panamericana de Eugenesia y Homicultura con la Oficina Sanitaria Panamericana, quedándose la primera constituída hasta entonces en los términos establecidos por la Primera Conferencia de Eugenesia y Homicultura efectuada en la Habana del 21 al 23 de diciembre de 1927, y debiendo realizar los trabajos, y adoptar la organización que juzgue más conveniente de acuerdo con las finalidades que motivaron su creación.

3. Encarecer que las Repúblicas Americanas que no posean representaciones técnicas para el estudio del inmigrante en el país de origen, así como las que las posean en número insuficiente, aprovechen los servicios de aquellas que las tengan en número suficiente y cuyos funcionarios podrán ser destinados para este fin como representantes ex-oficio de la Oficina Sanitaria Panamericana, sin que esto excluya el derecho que tienen los mismos países de someter al propio inmigrante a las investigaciones que estimen necesarias para resolver sobre su admisión definitiva, de acuerdo con las conveniencias nacionales.

APPENDIX 23

RESOLUTION

[CONFERENCE ON EUGENICS AND HOMOCULTURE]

The Sixth International Conference of American States,

RESOLVES:

1. To take note of the minutes and resolutions of the First Conference on Eugenics and Homoculture, held at Habana from the 21st to the 23rd of December, 1927, and to recommend to the Governments of the American Republics their study and application in so far as they deem convenient.

2. To earnestly recommend to the Ninth Pan American Sanitary Conference and to the Second Conference on Eugenics and Homoculture, which are to be held at Buenos Aires, Argentine Republic, that they study the most convenient methods of harmonizing the operation of the Bureau of Eugenics and Homoculture with that of the Pan American Sanitary Bureau, the first to remain constituted, up to that time, pursuant to the stipulations laid down by the First Conference on Eugenics and Homoculture held in Habana from the 21st to the 23rd of December, 1927, and to carry on its work and adopt whatever organization it deems most convenient in accordance with the purposes for which it was created.

3. To earnestly recommend to the American Republics which do not have technical representatives for the study of the immigrant in the country of origin, and also to those having their representatives in insufficient numbers, to utilize the services of the representatives of those countries which do have them in sufficient numbers and whose officials may be designated for this purpose as *ex-officio* representatives of the Pan American Sanitary Bureau, this without excluding, of course, the right which the countries themselves have of submitting the immigrant himself to whatever investigations they may deem necessary before passing definitely upon his admission in accordance with their national conveniences.

APÉNDICE 24

RESOLUCIÓN

[CONGRESOS PANAMERICANOS DE PERIODISTAS]

La Sexta Conferencia Internacional Americana,

RESUELVE:

1. Aplaudir y recomendar la celebración periódica de Congresos Panamericanos de Periodistas, y dejar a cargo del Consejo Directivo de la Unión Panamericana la designación del lugar y fecha de dichas reuniones.

2. Urgir a los periodistas de América que participen activamente en estos congresos y que se empeñen en que sus conclusiones sean adoptadas por los periodistas de sus respectivos países.

3. Recomendar como materia preferente del futuro Congreso de periodistas el estudio de los medios prácticos para el desarrollo en la prensa diaria de las informaciones interamericanas.

4. Solicitar del Consejo Directivo de la Unión Panamericana que recomiende a todas las asociaciones de prensa del continente la mayor divulgación del código de ética periodística, aprobado en el primer Congreso de Periodistas, y a que se refiere el número 13 de sus recomendaciones.

5. Solicitar del Consejo Directivo de la Unión Panamericana que, antes de la reunión del Segundo Congreso Panamericano de Periodistas, estudie la posibilidad de una organización permanente, dependiente de la Unión Panamericana, que sirva de órgano de los congresos panamericanos de periodistas, y trabaje por la adopción en todos los países participantes de las conclusiones de los mismos.

APPENDIX 24

RESOLUTION

[PAN AMERICAN CONGRESSES OF JOURNALISTS]

The Sixth International Conference of American States,

RESOLVES:

1. To applaud and recommend the periodical holding of Pan American Congresses of Journalists, and to leave to the Governing Board of the Pan American Union the designation of the place and the date of said meetings.

2. To urge the journalists of America to participate actively in these Congresses and to endeavor to have their conclusions adopted by the journalists of the respective countries.

3. To recommend as preferential matter for the coming Congress of Journalists the study of practical means for the development of inter-American information in the daily press.

4. To solicit of the Governing Board of the Pan American Union that it recommend to all the press associations of the Continent the greatest publicity for the code on journalistic ethics approved by the First Congress of Journalists, and to which number 13 of its recommendations refers.

5. To solicit of the Governing Board of the Pan American Union that, before the meeting of the Second Pan American Congress of Journalists, it study the possibility of a permanent organization to be dependent upon the Pan American Union, to serve as an organ of the Pan American Congresses of Journalists and to work for the adoption of their conclusions by all the participating countries.

APÉNDICE 25

RESOLUCIÓN

[TEMAS DE DISCUSIÓN SUGERIDOS PARA EL PROGRAMA DEL PRÓXIMO CONGRESO DE PERIODISTAS]

La Sexta Conferencia Internacional Americana

RESUELVE:

Recomendar al próximo Congreso Panamericano de Periodistas, para que las incluya en su programa como temas de discusión, las sugestiones siguientes:

1. Recomiéndese la prohibición de comunicar y publicar noticias falsas, dolosas o exageradas, que tiendan a perjudicar el buen nombre o los intereses de cualquier país de América, formando un concepto falso de sus instituciones o de sus costumbres o creándole una reputación indecorosa en el resto del mundo;

2. Recomiéndese a las grandes publicaciones panamericanas que procuren establecer en cada país corresponsales conocedores de la historia, la lengua, la legislación y las costumbres del lugar en que estén acreditados, para que puedan trasmitir a su periódico noticias serias, documentadas y fidedignas;

3. Aconséjese el viaje frecuente de los periodistas de un país a los demás que forman el cuerpo panamericano, brindándoles en cada uno de los otros países las mismas consideraciones y oportunidades que tienen en el de su origen;

4. Propóngase el establecimiento de escuelas de periodistas o de cursos especiales en los colegios y universidades del continente, que tiendan a la formación de profesionales de cultura amplia y bien organizada;

5. Pídanse a las publicaciones del continente que organicen sus bibliotecas de tal suerte que, sin padecer en manera alguna sus servicios, puedan ser fuente de información para el público en general;

APPENDIX 25

RESOLUTION

[TOPICS FOR PROGRAM OF NEXT CONGRESS OF JOURNALISTS]

The Sixth International Conference of American States,

RESOLVES:

To recommend to the next Pan American Congress of Journalists the following conclusions for their inclusion in its program as topics for discussion:

1. To recommend that it be forbidden to communicate and publish false, misleading, or exaggerated reports which tend to harm the good name or the interests of any American country by creating a false idea of its institutions or its customs, or by engendering for it an indecorous reputation before the rest of the world;

2. To recommend to the great Pan American publications that they endeavor to place in each country correspondents familiar with the history, language, legislation, and customs of the country in which they serve so that they may transmit to their newspapers serious, supported, and trustworthy reports;

3. To advise the frequent journeying of newspapermen from one to another of the Pan American countries, which shall in each case extend to them the same considerations and opportunities they enjoy in their own countries;

4. To propose the establishment of schools of journalists or of special courses in the colleges and universities of the continent which shall have as their aim the preparation of professionals of ample and disciplined culture;

5. To request the publications of the continent to so organize their libraries that, without in any way impairing their services, they may be sources of information for the general public;

6. Recomiéndese la creación en los periódicos de secciones servidas por especialistas que estudien tópicos sociológicos, históricos, literarios y artísticos de interés continental;

7. Recomiéndese a la prensa del continente que organice o patrocine concursos o certámenes para premiar obras o artículos que, de alguna manera, puedan contribuir al estrechamiento de las relaciones de los pueblos de América;

8. Aconséjese la celebración de tratados, entre todas las repúblicas panamericanas, que garanticen la propiedad intelectual y artística de los artículos, dibujos, fotografías, etcétera, publicadas en la prensa, o bien la incorporación de este último a los Convenios generales sobre la materia ya celebrados.

6. To recommend the establishment in the periodicals of sections entrusted to specialists for the study of sociological, historical, literary, and artistic subjects of continental interest;

7. To recommend to the press of the continent that it organize or sponsor contests or competitions, awarding prizes for the works or articles which in any way may contribute to the strengthening of the relations between the American peoples;

8. To counsel the conclusion of treaties between all the Pan American republics which will guarantee intellectual and artistic copyright of articles, drawings, photographs, etcetera, published in the press, or the incorporation of such a provision in the general conventions on the subject already effected.

APÉNDICE 26

RESOLUCIÓN

[CUARTA CONFERENCIA COMERCIAL PANAMERICANA Y ASOCIACIONES COMERCIALES]

La Sexta Conferencia Internacional Americana,

RESUELVE:

1. Recomendar que la Cuarta Conferencia Comercial Panamericana esté integrada principalmente, con representantes de las asociaciones comerciales de las Repúblicas Americanas, y que estudie muy especialmente la forma más eficaz de aumentar y estrechar las relaciones entre las organizaciones comerciales de los países miembros de la Unión Panamericana.

2. Recomendar que las asociaciones comerciales de América establezcan entre sí relaciones de cooperación las más estrechas posibles, y se cambien, regularmente, toda clase de publicaciones referentes al comercio de América.

3. Recomendar a la Unión Panamericana, continúe publicando las estadísticas del comercio exterior de las Repúblicas Americanas, y coopere, también, en que se lleven a la práctica las conclusiones de las Conferencias Comerciales Panamericanas.

APPENDIX 26

RESOLUTION

[FOURTH PAN AMERICAN COMMERCIAL CONFERENCE AND COMMERCIAL ASSOCIATIONS]

The Sixth International Conference of American States,

RESOLVES:

1. To recommend that the Fourth Pan American Commercial Conference be mainly formed of representatives of the commercial associations of the American Republics and that above all it study the most efficacious way of increasing and strengthening the relations between the commercial organizations of the countries members of the Pan American Union.

2. To recommend that the commercial associations of America establish among themselves the closest possible relations of cooperation, and that they exchange regularly all publications relating to the commerce of America.

3. To recommend to the Pan American Union that it continue to publish the statistics of the foreign commerce of the American Republics, and that it also cooperate toward putting into effect the conclusions of the Pan American Commercial Conferences.

APÉNDICE 27

RESOLUCIÓN

[INSTITUTO PANAMERICANO DE GEOGRAFÍA E HISTORIA]

La Sexta Conferencia Internacional Americana,

RESUELVE:

1. Créase el Instituto Panamericano de Geografía e Historia, que servirá de coordinación, distribución y divulgación de los estudios geográficos e históricos en los estados americanos.

2. El Instituto Panamericano de Geografía e Historia servirá de órgano de cooperación entre los institutos geográficos e históricos de América, para facilitar el estudio de los problemas que conciernen a la geografía y a la historia.

3. Iniciará y coordinará las investigaciones que exige la cooperación de varios países, controlando las discusiones científicas.

4. Tendrá a su cargo la publicación de todos los trabajos que manden los estados americanos.

5. Hará estudios tendientes al esclarecimiento de las cuestiones de fronteras, siempre que lo soliciten todos los países directamente interesados en dichas cuestiones.

6. Será el encargado de formar un gran archivo de planos y documentos históricos relativos a América, así como una biblioteca de las materias propias del instituto.

7. El Instituto Panamericano de Geografía e Historia estará formado por todos los estados americanos representados por una delegación nombrada por cada gobierno. A cada delegación corresponderá un voto.

8. El lugar de residencia del instituto será la capital de cualquier estado americano, elegida por la Unión Panamericana. El gobierno del estado americano en cuya capital se acepte el

APPENDIX 27

RESOLUTION

[PAN AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY]

The Sixth International Conference of American States,

RESOLVES:

1. To create the Pan American Institute of Geography and History, which shall serve for the coordination, distribution, and publication of geographical and historical studies in the American states.

2. The Pan American Institute of Geography and History shall serve as an organ of cooperation between the geographical and historical institutes of America in order to facilitate the study of the problems which concern geography and history.

3. It shall initiate and coordinate investigations which require the cooperation of several countries, and shall direct scientific discussions.

4. It shall be entrusted with the publication of all works the American states may send to it.

5. It shall make studies looking to the clarification of frontier questions, provided all countries directly interested in said questions so request.

6. It shall be charged with the organization of a great archive of historic maps and documents relative to America and also of a library of matters relevant to the institute.

7. The Pan American Institute of Geograph and History shall be formed by all the American states represented through a delegation named by each government. Each delegation shall be entitled to one vote.

8. The seat of the institute shall be the capital of any American state chosen by the Pan American Union. The Government of the American state which accepts the locating of the

asiento del instituto, deberá proporcionar un edifico adecuado para las labores que debe desempeñar y que antes se han enunciado.

9. El sostenimiento económico del instituto será por cuotas anuales que fijará la asamblea del propio instituto, con la aprobación de los respectivos gobiernos.

10. Los idiomas usados en las publicaciones y en las sesiones del instituto serán los idiomas de la Unión Panamericana, es decir: español, inglés, francés y portugués.

11. Se creará un comité nacional en cada uno de los estados americanos que se adhieran al instituto. Se dará preferencia al gobierno de cada estado para que forme su comité, mas en caso de que no lo haga, será nombrado por la asamblea general.

PROYECTO DE ESTATUTOS

La Sexta Conferencia Internacional Americana,

RESUELVE:

Recomendar a los gobiernos de los estados americanos la adopción de los siguientes estatutos para el Instituto Panamericano de Geografía e Historia:

1. El Instituto Panamericano de Geografía e Historia estará regido por un presidente, dos vicepresidentes y un secretario general, éste con residencia en el lugar en que establezca el instituto, elegidos entre los delegados de los estados americanos, los cuales formarán el comité ejecutivo. El secretario será responsable del reparto de la correspondencia, de la administración de los fondos, redacción de los procesos verbales y de la preparación y distribución de las publicaciones autorizadas por la asamblea general.

2. El presidente y los dos vicepresidentes, que deberán pertenecer a distintos estados, durarán en funciones el tiempo comprendido entre dos reuniones de la asamblea general, pero pueden ser reelectos.

institute in its capital shall provide a building appropriate for the labors hereinbefore enunciated which it must perform.

9. The institute shall be financially supported through annual quotas to be fixed by the assembly of the institute itself with the approval of the respective governments.

10. The languages used in the publications and in the meetings of the institute shall be the languages of the Pan American Union, namely, Spanish, English, French, and Portuguese.

11. A national committee shall be created in each of the American states which adhere to the institute. Priority in forming its own committee shall be given to the Governments of each of the states, but in case a state fails to do so the committee shall be named by the general assembly.

PROJECT OF STATUTES

The Sixth International Conference of American States,

RESOLVES:

To recommend to the Governments of the American states the adoption of the following statutes for the Pan American Institute of Geography and History:

1. The Pan American Institute of Geography and History shall be governed by a president, two vice presidents, and a secretary general, forming an executive committee, all elected from among the delegates of the American states. The secretary shall have residence in the place where the institute is established and shall be responsible for the distribution of the correspondence, for the administration of the funds, for the editing of *procès-verbaux* and for the preparation and distribution of the publications authorized by the general assembly.

2. The president and the two vice presidents, who must belong to different states, shall remain in office the time intervening between two meetings of the general assembly; they may be reelected.

3. La asamblea general se constituye por los delegados o representantes de cada uno de los estados americanos.

4. A la asamblea general corresponde la indicación del lugar de reunión y su fecha, pudiendo aceptarse por intervalo entre dos reuniones, un período de tres años, aceptado ya, como conveniente por el consejo internacional de investigaciones.

5. El comité ejecutivo aceptará y procurará se cumplan por cada uno de los estados americanos, las decisiones de la asamblea general, pudiendo dirigirse directamente a los gobiernos de los estados americanos por conducto de sus servicios geográficos e históricos, o bien de los gobiernos directamente si así lo cree conveniente.

6. El comité ejecutivo puede nombrar comisiones especiales para el estudio de cualquier cuestión de la competencia de la asamblea general.

7. El presidente del comité o éste pueden, por su propia iniciativa, invitar a hombres de cienca, aunque no sean delegados, pero que pertenezcan a algún estado americano, como consejeros, a las sesiones de la asamblea general.

8. El comité ejecutivo rendirá un informe anual de la marcha de los trabajos y de los ingresos y gastos del instituto, a cada uno de los gobiernos de los estados americanos.

9. El comité ejecutivo está facultado para nombrar los empleados que crea necesarios para el mejor funcionamiento del instituto, pudiendo el presidente, indicar a la asamblea general la conveniencia de aumentar las cuotas permanentes, o bien solicitar cuotas especiales para ejecución de algún trabajo juzgado de importancia suma y de ejecución inmediata, por la asamblea general, si el gobierno del estado americano en que deba efectuarse, por cualquier causa, no pudiera hacerlo de su propio peculio. Se procurará que los empleados sean nombrados de tal manera, que estén representados diversos países adheridos.

3. The general assembly is constituted of delegates or representatives of each of the American states.

4. Upon the general assembly devolves the designation of the place and date of meetings. It may be possible to accept as the interval between two meetings the period of three years already accepted as convenient by the International Research Council.

5. The executive committee shall receive and strive for the carrying out by each of the American states of the decisions of the general assembly, being authorized to address itself to the governments of the American states through the intermediary of their geographical and historical services, or else to the governments direct if it so deems desirable.

6. The executive committee may appoint special committees for the study of any question within the competence of the general assembly.

7. The president of the committee, or the committee itself, may upon their own initiative invite scientists, even though they are not delegates, provided they belong to an American state, as advisors at the sessions of the general assembly.

8. The executive committee shall render an annual report upon the progress of the work and the receipts and expenditures of the institute to each of the governments of the American states.

9. The executive committee is empowered to appoint the employees it may deem necessary for the best operation of the institute. The president may indicate to the general assembly the advisability of increasing the permanent quotas, or else of requesting special quotas for the carrying out of any work deemed by the general assembly of the utmost importance and requiring immediate completion, if the government of the American state in which such work is to be carried out should, for any reason, not be able to do it at its own expense. The appointment of employees shall be done in such wise as to afford representation to the different adhering countries.

10. La asamblea constitutiva fijará las secciones en que se dividirá y les dará su organización científica y técnica.

11. En casos especiales, el presidente del comité ejecutivo, de acuerdo con todo el comité, puede convocar a una reunión extraordinaria de la asamblea general, pero debe contar con la aquiescencia de un tercio de los votos de los estados americanos que forman la asamblea.

12. De igual manera, el presidente del comité ejecutivo, a propuesta del comité ejecutivo de una sección, puede, en las condiciones expresadas en el artículo anterior, convocar a una reunión extraordinaria de la sección.

13. La orden del día de una sesión debe ser fijada por el comité ejecutivo y comunicada con cuatro meses de anticipación a los delegados.

14. Toda cuestión que no figure en la orden del día, no puede ser tomada en consideración sino con el asentimiento previo de la mitad por lo menos, de los votos de los países representados en la asamblea general.

15. En asamblea general o en sesión de las secciónes, las resoluciones concernientes a las cuestiones de orden científico, serán tomadas por mayoría de votos de los delegados presentes.

16. En caso de duda sobre la categoría a que pretenece la cuestión por discutir, el presidente decidirá. Si hay igualdad de votos, el presidente será preponderante.

17. Para las cuestiones administrativas que figuren en la orden del día, un país que no esté representado puede enviar por escrito su voto al presidente; pero para que sea válido debe llegar antes del escrutinio.

18. La asamblea general puede dar los reglamentos interiores concernientes, sea a la ejecución de los trabajos, o a los deberes generales que incumben a los miembros del instituto, y, en general, a todos los asuntos no previstos por los estatutos.

19. De igual manera las secciónes elaborarán sus reglamentos para la

10. The constituent assembly shall fix the sections into which the institute is to be divided and shall determine their scientific and technical organization.

11. In special cases the president of the executive committee, in agreement with the entire committee and with the acquiescence of a third of the American states forming the assembly, may call an extraordinary meeting of the general assembly.

12. Likewise the president of the executive committee may, on the proposal of the executive committee of a section and under the conditions stipulated in the foregoing article, call an extraordinary meeting of the section.

13. The agenda of a session shall be fixed by the executive committee and communicated to the delegates four months in advance.

14. No topic not appearing in the agenda shall be discussed except with the previous consent of at least one half of the countries represented in the general assembly.

15. In the general assembly or in a session of the sections, adoption of resolutions relating to questions of a scientific nature shall be by a majority vote of the delegates present.

16. In case of doubt as to the nature of the subject to be discussed, the president shall decide. In case of a tie the president may cast the deciding vote.

17. For decision of administrative subjects appearing upon the agenda, a country not represented may send its vote in writing to the president. To be valid, such vote must be received before the counting of the ballots.

18. The general assembly may issue by-laws for the carrying out of works, for the general duties devolving upon the members of the institute, and in general, for all matters not taken care of in the statutes.

19. Likewise the sections shall draft their by-laws for the carrying out of

ejecución de sus trabajos propios, pero antes de entrar en vigor, deben ser aprobados por la asamblea general, siendo evidente que ninguno de ellos debe contener prescripciones contrarias a los reglamentos de la asamblea general.

20. No podrá ser aceptado cambio alguno sin tener la aquiescencia de los dos tercios de los votos de los países adherentes.

21. Cada sección elegirá su presidente y dos vicepresidentes y secretario, que durarán en función el intervalo de tiempo comprendido entre dos reuniones de la asamblea general, pero pudiendo ser reelectos.

22. El secretario de cada sección se encargará de la correspondencia, gestionará los fondos necesarios para sus trabajos, y atenderá el archivo y a la distribución de las publicaciones.

23. El comité de cada sección nombrará los empleados que crea necesarios.

24. Los procesos verbales de cada sección, deben ser comunicados al comité ejecutivo, el cual decidirá si son de aceptarse o necesitan la ratificación de la asamblea general.

25. Con la aprobación de la asamblea general, una sección puede tener sus publicaciones propias y confiar una parte de sus trabajos a instituciones nacionales o a particulares.

26. Cada sección debe tener, por lo menos, una sesión ordinaria en el curso de las sesiones de la asamblea general, y varias secciones pueden unirse según un horario fijado por el comité ejecutivo.

27. Los presupuestos de cada una de las secciones, se harán de manera semejante al correspondiente a la asamblea general; las cuotas anuales deberán ser fijadas por ellos y se calcularán para cada país como en el caso del presupuesto del instituto, pero deben ser aprobados por la asamblea general.

28. Las cuotas recogidas por las secciones serán empleadas tal como se indica al hablar de las correspondientes a las de la asamblea general.

their respective duties, which must be approved by the general assembly, it being evident that none of them contain stipulations contrary to the by-laws of the general assembly.

20. No change may be approved without the acquiescence of two thirds of the adhering countries.

21. Each section shall appoint its president, two vice presidents, and a secretary, who shall remain in office during the interval between two meetings of the general assembly; they may be reelected.

22. The secretary of each section shall be entrusted with the correspondence, with the management of the funds necessary for its work, with the archives, and with the distribution of publications.

23. The committee of each section shall appoint the employees that it considers necessary.

24. The *procès-verbaux* of each section shall be communicated to the executive committee, which shall decide whether they should be approved or whether they require ratification by the general assembly.

25. With the approval of the general assembly, a section may issue its own publications and entrust a portion of its work to national or private institutions.

26. Each section shall hold at least one ordinary session in the course of the sessions of the general assembly, and several sections may combine according to a schedule fixed by the executive committee.

27. The budget of each of the sections shall be prepared in a manner similar to that of the general assembly. The annual quotas shall be fixed in the budget, and shall be estimated for each country as in the case of the budget of the institute. These budgets must be submitted for approval to the general assembly.

28. The quotas collected by the sections shall be employed in the same manner as indicated for those corresponding to the general assembly.

29. El comité ejecutivo preparará su presupuesto de previsión para cada año del período comprendido entre dos sesiones. Una comisión financiera, nombrada por la asamblea general, se encargará del estudio del presupuesto y de la comprobación de las cuotas del ejercicio precedente.

30. Los fondos recogidos de los estados americanos deben ser empleados en lo siguiente:

a) Gastos de redacción y discusión de observaciones, comprendiendo la remuneración de los empleados que se necesiten;
b) Gastos de publicación y accesorios de la administración;
c) Gastos debidos al pago de honorarios de los comités ejecutivos, tanto del instituto como de las secciones y de los empleados correspondientes;
d) El excedente, previo acuerdo de la asamblea, se dedicará a la ejecución de trabajos de campo o de investigación;
e) En caso de que hubiere donativos, éstos se aplicarán según las indicaciones de los donantes;
f) Todo país que abandone la asamblea, cederá sus derechos en favor del instituto.

31. Los comités nacionales tienen por atribuciones, facilitar y coordinar, en sus respectivos países, el estudio de las diversas divisiones de la geografía y de la historia, considerado principalmente desde el punto de vista del interés general del instituto. Cada comité nacional, sea sólo, sea unido a otros comités nacionales, tiene el derecho de someter al instituto cuestiones por discutir, siempre que sean de su competencia.

32. Los comités nacionales serán los consejeros y directores intelectuales de los servicios geográficos e históricos de cada estado americano, previa aprobación de los gobiernos respectivos.

33. Los comités nacionales darán anualmente cuenta de sus trabajos al instituto.

34. Los estatutos del Instituto Panamericano de Geografía e Historia irán anexos a la convención respectiva y podrán ser modificados, restringidos o ampliados, por la primera asamblea general.

29. The executive committee shall prepare a tentative budget for each year of the period intervening between two sessions. A financial committee appointed by the general assembly shall undertake the study of the budget and the auditing of the accounts of the preceding financial period.

30. The funds collected from the American states shall be employed in the following manner:

a) Expenses of editing and discussion of studies, including the remuneration of necessary employees;
b) Expenses of publication and other outlays for administration;
c) Expenses arising out of the payment of salaries to the executive committees both of the institute and of the sections, and to corresponding employees;
d) The surplus, subject to previous approval of the assembly, shall be devoted to field or research work;
e) In case there are donations, they shall be applied in accordance with the suggestions of the donors;
f) Any country leaving the assembly shall cede its rights to the institute.

31. The national committees have as attributes the facilitating and coordination in their respective countries of the study of the various divisions of geography and history, principally considered from the viewpoint of the general interest of the institute. Each national committee, either separately or in collaboration with other national committees, has the right to submit to the institute questions to be discussed, provided they are within its province.

32. Following approval by the respective governments, the national committees shall be the advisors and intellectual directors of the geographical and historical services of each American state.

33. The national committees shall report annually on their work to the institute.

34. The statutes of the Pan American Institute of Geography and History shall be annexed to the respective convention and may be modified, restricted, or amplified by the first general assembly.

APÉNDICE 28

RESOLUCIÓN

[PUBLICACIÓN DE CARTAS GEODÉSICAS, GEOLÓGICAS Y AGRÍCOLAS]

La Sexta Conferencia Internacional Americana,

RESUELVE:

I. Se recomienda a los países miembros de la Unión que no lo hayan hecho todavía, publiquen cartas geodésicas, geológicas, agrícolas, etcétera, que den idea de sus recursos naturales, posibilidades de su desarrollo y de sus vías de comunicación; y que en la formación de las cartas de recursos naturales sigan lineamientos semejantes a los adoptados por México para hacerlas fácilmente comparables y de mayor provecho para la explotación de sus recursos.

II. Se recomienda a los países miembros de la Unión que las operaciones que deben efectuarse para la formación del mapa de un territorio sean las siguientes:

1. Triangulaciones geodésicas y topográficas de distintos órdenes;
2. Topografía de detalles;
3. Redes hidrológicas;
4. Hidrografía;
5. Levantamiento de caminos y de vías férreas;
6. Topografía sobre las fronteras.

APPENDIX 28

RESOLUTION

[PUBLICATION OF GEODETIC, GEOLOGIC, AND AGRICULTURAL MAPS]

The Sixth International Conference of American States,

RESOLVES:

I. It is recommended that the countries members of the Union that have not yet done so, publish geodetic, geological, agricultural, and other maps, which will give an idea of their natural resources, their possibilities for development and their means of communication; and that in making the maps on natural resources they follow lines similar to those used by Mexico so as to make them easy to be compared and of the greatest advantage for the exploitation of those resources.

II. It is recommended to the countries members of the Union that the operations which should be effected for the formation of a map of a territory be the following:

1. Geodetic and topographic triangulations of different kinds;
2. Topographic details;
3. Hydrological nets;
4. Hydrography;
5. Charting of highways and railroads;
6. Topography of boundary lines.

APÉNDICE 29

RESOLUCIÓN

[COMISIÓN PANAMERICANA DE BIBLIÓGRAFOS]

La Sexta Conferencia Internacional Americana,

RESUELVE:

1. Reconocer como una ingente necesidad para el progreso intelectual en América; para el conocimiento y la apreciación justa de cuantos laboran en el continente por ese progreso, y para la solidaridad de pensamiento que ha de constituir a la vez una de las mejores prendas de unión entre todas las naciones americanas, la organización de la bibliografía continental.

2. Promover la reunión de una comisión técnica formada por expertos bibliógrafos escogidos entre los diversos países americanos.

La Unión Panamericana queda encargada de gestionar con las asociaciones, organizaciones y particulares interesados en los trabajos bibliográficos los medios de llevar a efecto la presente resolución.

La Unión Panamericana queda, asimismo, encargada de formular el programa de la reunión y de realizar el trabajo preparatorio.

El Consejo Directivo de la Unión fijará el lugar y la fecha en que se reunirá la comisión de expertos bibliógrafos.

La Unión Panamericana queda encargada de llevar a la práctica el plan de cooperación interamericana que sugiera la comisión técnica prevista en la presente resolución.

APPENDIX 29

RESOLUTION

[PAN AMERICAN COMMISSION OF BIBLIOGRAPHERS]

The Sixth International Conference of American States,

RESOLVES:

1.—To acknowledge that the organization of a bibliography for the American continent is a greatly felt need for the intellectual progress of America, for the knowledge and just appreciation of all who labor on the continent for that progress, and for the solidarity of thought which is to be at the same time one of the strongest bonds of union between all the nations of America.

2.—To recommend the assemblage of a technical commission made up of expert bibliographers selected from the various American countries.

The Pan American Union is charged with negotiating with the associations, organizations, and private individuals interested in bibliographical works, the means of giving effect to the present resolution.

The Pan American Union is further charged with the duty of formulating the program of the assemblage and with carrying out the preparatory work.

The Governing Board of the Pan American Union shall fix the place and date at which this commission of expert bibliographers shall meet.

The Pan American Union is further charged with the duty of putting into practice the plan of inter-American cooperation that may be suggested by the technical commission provided for in this resolution.

APÉNDICE 30

RESOLUCIÓN

[CONGRESO PEDAGÓGICO PANAMERICANO]

La Sexta Conferencia Internacional Americana,

RESUELVE:

La celebración de un Congreso pedagógico Panamericano, en la fecha y sede que se determinen por la Unión Panamericana; en el que tendrán participación representantes de las escuelas normales y superiores primarias de los estados americanos, y serán nombrados por los gobiernos respectivos.

El congreso tendrá la siguiente finalidad:

a) Extensión normal y escolar;

b) Intercambio de profesores y alumnos;
c) Estudio del estado de la enseñanza normal y primaria en los estados americanos;
d) Estudio de las reformas escolares que deben adoptarse, tanto desde el punto de vista de los métodos, como desde el de la organización escolar;
e) Estudio de las medidas que deben ser puestas en práctica para que el maestro ocupe oficial y socialmente el puesto que le corresponde;
f) Construcción escolar;
g) Presupuesto escolar.

APPENDIX 30

RESOLUTION

[PAN AMERICAN PEDAGOGICAL CONGRESS]

The Sixth International Conference of American States,

RESOLVES:

That a Pan American Pedagogical Congress shall be held at a time and place to be determined by the Pan American Union, with participation of representatives of the normal and upper elementary schools of the American states, appointed by their respective governments.

The congress shall have the following purposes:

a) Normal and elementary school extension work;
b) Exchange of professors and students;
c) Consideration of the status of normal and primary teaching in the American states;
d) Consideration of the school reforms that should be adopted both from the point of view of the methods and from that of school organization;
e) Consideration of the measures that should be adopted so that teachers may occupy officially and socially the place to which they are entitled;
f) School construction;
g) School budgets.

APÉNDICE 31

RESOLUCIÓN

CONFERENCIA INTERAMERICANA DE CONTROL SANITARIO VEGETAL Y ANIMAL

La Sexta Conferencia Internacional Americana,

RESUELVE:

Recomendar que se reuna una Conferencia Interamericana de Control Sanitario Vegetal y Animal, a ser posible en el mes de enero de 1929, en la ciudad que designe el Consejo Directivo de la Unión Panamericana.

Dicha conferencia tendrá por misión principal:

1. Estudiar la posibilidad de uniformar:

a) Los procedimientos de combate y prevención que deban emplearse individualmente o en cooperación por los distintos países de América;

b) El criterio que deban sustentar dichos países respecto a disposiciones cuarentenarias, de fumigación, desinfección o exclusión de acuerdo con las posibilidades de trasmisión, contaminación y aclimatación de las distintas plagas de enfermedades; y

c) Los requisitos que deban satisfacerse para la admisión de productos que estén contaminados o plagados, o que puedan ser vehículo de enfermedades parasitarias o de plagas.

2. Estudiar las bases para la creación, mediante una convención, de un Consejo Interamericano de Defensa Agrícola, que tendrá a su cargo continuar los estudios relacionados con los puntos anteriores, proponer a los países americanos las medidas tendientes a la uniformidad en materia de defensa agrícola, y sugerir en cada caso, la forma más adecuada de aplicación y alcance de las medidas cuarentenarias o de exclusión.

APPENDIX 31

RESOLUTION

[INTER-AMERICAN CONFERENCE ON PLANT AND ANIMAL SANITARY CONTROL]

The Sixth International Conference of American States,

RESOLVES:

To recommend that an Inter-American Conference on Plant and Animal Sanitary Control be held, if possible during the month of January 1929, in the city to be designated by the Governing Board of the Pan American Union.

Said conference shall have as its principal mission:

1. To study the possibility of establishing uniformity in:

a) The methods for combating and for prevention which should be employed, individually or cooperatively, by the various countries of America;

b) The criterion which said countries should hold with respect to quarantine, fumigation, disinfection, or exclusion regulations, according to the possibilities of transmission, contamination, and acclimatization of the different plagues; and

c) The requirements which should be met for the admission of products which may be contaminated or subject to plague, or which may be the vehicles of parasitary diseases or plagues.

2. To study the bases for the creation, through a convention, of an Inter-American Board of Agricultural Defense, which shall be charged with pursuing the studies relating to the points above mentioned, with proposing to the American countries methods of achieving uniformity in the matter of agricultural defense, and with suggesting in each case the most adequate form of application and the scope of the measures for quarantine or exclusion.

APÉNDICE 32

RESOLUCIÓN

[LICENCIA OBLIGATORIA A LA MUJER-MADRE]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Recomendar a los países de la Unión Panamericana, que inscriban en sus legislaciones, la licencia obligatoria a la mujermadre, cuarenta días antes y después del alumbramiento, con el goce íntegro de su sueldo o salario, así sea oficial o particular la actividad en que trabaje.

APPENDIX 32

RESOLUTION

[OBLIGATORY LEAVE OF ABSENCE FOR PROSPECTIVE MOTHERS]

The Sixth International Conference of American States,

RESOLVES:

To recommend to the countries of the Pan American Union that they incorporate in their legislation provisions for an obligatory forty days leave of absence to mothers before and after childbirth, with enjoyment of full wages or salary, regardless of whether her employment is public or private.

APÉNDICE 33

RESOLUCIÓN

[USO INDUSTRIAL Y AGRÍCOLA DE LOS RÍOS INTERNACIONALES]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Recomendar a la Unión Panamericana que haga estudiar por los órganos competentes, si es posible por la Junta Internacional de Jurisconsultos, la cuestión de reglamentar el uso industrial y agrícola de los ríos internacionales, y someta a la Séptima Conferencia los proyectos que fueren formulados al respecto.

APPENDIX 33

RESOLUTION

[INDUSTRIAL AND AGRICULTURAL USE OF INTERNATIONAL RIVERS]

The Sixth International Conference of American States,

RESOLVES:

To recommend to the Pan American Union that it direct that a study be made by the competent bodies, if possible by the International Commission of Jurists, of the question of regulating the industrial and agricultural use of international rivers, and to submit any projects formulated thereon to the Seventh Conference.

APÉNDICE 34

RESOLUCIÓN

[CARRETERA LONGITUDINAL]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Recomendar al Congreso Panamericano de Carreteras que se celebrará en Río de Janeiro en juilo del presente año la consideración y adopción de los acuerdos conducentes a la ejecución de una carretera de comunicación longitudinal a través del continente, abordando y decidiendo todas las cuestiones relativas a estudios, ruta, ramales de conexión, cooperación técnica y económica de los distintos países, y las demás que comprende la resolución de aquel problema.

La Unión Panamericana se encargará de acumular los elementos informativos y preparar los proyectos que conduzcan al más eficaz cumplimiento de la presente resolución; sometiéndolos oportunamente a conocimiento del expresado Congreso Panamericano de Carreteras.

APPENDIX 34

RESOLUTION

[LONGITUDINAL HIGHWAY]

The Sixth International Conference of American States,

RESOLVES:

To recommend to the Pan American Congress of Highways, which will be held in Rio de Janeiro in July of the present year, the consideration and adoption of agreements looking to the construction of a road of longitudinal communication across the continent, taking up and deciding all questions relative to studies, route, branch connections, technical and economic cooperation of the different countries, and all other matters involved in the solution of such problem.

The Pan American Union shall be charged with the assembling of informative data and with the preparation of projects that may lead to the most efficient carrying out of the present resolution, bringing them in due time to the notice of the Pan American Congress of Highways above referred to.

APÉNDICE 35

RESOLUCIÓN

[MONEDA COMÚN PARA LAS REPÚBLICAS AMERICANAS]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Recomendar a los gobiernos de los estados el estudio de la adopción de una moneda común para todos ellos, debiendo indicarse en los estudios e informes que se emitieren: el valor de la moneda, su peso, ley, nombre y talón, y las demás circunstancias especiales del asunto. Recomendar asimismo a los estados, se comuniquen los respectivos proyectos que elaboren para mayor acierto; y que, una vez hechos los estudios por los estados, éstos los comuniquen a la Unión Panamericana, a más tardar dentro de dos años, a contar de la fecha de la presente resolución.

La Unión Panamericana, en vista de los estudios y proyectos de los estados, elaborará el proyecto definitivo, tomando como base los estudios de los estados, y, formulado el proyecto de la Unión, comunicarlo a los estados para que den su parecer.

Por último, el proyecto de la moneda común, elaborado por la Unión, y las observaciones de los estados, serán sometidos a la Séptima Conferencia Internacional Americana, para a adopción definitiva de la moneda común.

APPENDIX 35

RESOLUTION

[COMMON UNIT OF CURRENCY FOR THE AMERICAN REPUBLICS]

The Sixth International Conference of American States,

RESOLVES:

To recommend to the governments of the states the consideration of the adoption of a common unit of currency for all of them, the following data to be given in the studies and reports which may be issued: Value of the unit of currency; its weight, fineness; name, and standard; and the other pertinent special circumstances. It further recommends to the states that they communicate to each other, for greater accuracy of the study, the projects which they have respectively prepared, and that, once the studies have been completed by the states, they communicate them to the Pan American Union not later than two years from the date of the present resolution.

Taking as a basis the aforementioned studies and projects prepared by the states, the Pan American Union shall draft the definitive project. Once the project of the Pan American Union is drafted, it shall be communicated to the states so that they may express their opinions.

Finally, the project of a common unit of currency, prepared by the Pan American Union, together with the observations made by the states, shall be submitted to the Seventh International Conference of American States for the definitive adoption of the common unit of currency.

APÉNDICE 36

RESOLUCIÓN

[CONFERENCIA PARA LA PROTECCIÓN INTERAMERICANA DE LAS MARCAS DE FÁBRICA]

La Sexta Conferencia Internacional Americana,

RESUELVE:

1. Recomendar al Consejo Directivo de la Unión Panamericana, la convocatoria de una conferencia especial de representantes de todos los gobiernos de la Unión, a celebrarse en el lugar y fecha que aquél designe para estudiar en toda su amplitud el problema de la protección interamericana de las marcas de fábrica.

2. Que una vez celebrada la conferencia, sus conclusiones—sean ellas recomendaciones, resoluciones o convenciones—serán elevadas a la Unión Panamericana y por su intermedio sometidas inmediatamente a la consideración de los diferentes gobiernos, sin necesidad de una referencia ulterior, a la Séptima Conferencia Internacional Americana.

APPENDIX 36

RESOLUTION

[CONFERENCE ON THE INTER-AMERICAN PROTECTION OF TRADE-MARKS]

The Sixth International Conference of American States,

RESOLVES:

1. To recommend to the Governing Board of the Pan American Union the calling of a special conference of representatives of all the governments of the Union, to be held at such place and date as it may designate, for the purpose of studying in its amplest scope the problem of inter-American protection of trade-marks.

2. That upon the conference being held, its conclusions—whether in the form of recommendations, resolutions, or conventions—be forwarded to the Pan American Union, through whose mediation they should be submitted immediately to the consideration of the different governments without the need of a later reference to the Seventh International Conference of American States.

APÉNDICE 37

RESOLUCIÓN

[TERMINACIÓN DEL DICCIONARIO DE DON RUFINO J. CUERVO]

La Sexta Conferencia Internacional Americana,

RESUELVE:

1. Los gobiernos que se enumeran a continuación suscriben la cantidad necesaria para la edición completa de mil doscientos ejemplares del *Diccionario de construcción y régimen de la lengua castellana*, compuesto por Don Rufino J. Cuervo, suma que será aportada así:

Los Gobiernos de Argentina, Colombia, Chile, Cuba, México y Perú contribuirán con la suma de $3,000 oro, cada uno; y los gobiernos de Bolivia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Panamá, Paraguay, República Dominicana, Uruguay y Venezuela contribuirán con la suma de $2,000 cada uno, lo que forma un total de $42,000 oro.

2. Encárguese a la Unión Panamericana de efectuar la recaudación de las sumas suscriptas, y adelantar con cualesquiera personas particulares, empresas o entidades, de cualquier género, las gestiones necesarias para la publicación de la obra, quedando ampliamente facultada para celebrar toda clase de contratos o convenios, y para hacer pagos o anticipos de conformidad con ellos.

3. Autorízase a la Unión Panamericana para recibir las contribuciones que espontáneamente deseen hacer cualesquiera instituciones científicas o literarias de carácter privado de los Estados Unidos de América, el Brasil y Haití.

4. Efectuada la impresión, se repartirán los ejemplares en proporción al monto de las respectivas cuotas, sin perjuicio de que el contrato para la publicación asuma la forma de subvención a una casa impresora, caso en el

APPENDIX 37

RESOLUTION

[DICTIONARY OF RUFINO J. CUERVO]

The Sixth International Conference of American States,

RESOLVES:

1. The Governments hereinafter indicated subscribe the necessary amount for the complete edition of twelve hundred volumes of the *Dictionary of Construction and Regimen of the Spanish Language*, prepared by Rufino J. Cuervo. This amount will be contributed as follows:

The Governments of Argentina, Colombia, Chile, Cuba, Mexico, and Perú shall contribute the sum of $3,000 gold each; and the Governments of Bolivia, Costa Rica, Ecuador, Salvador, Guatemala, Honduras, Nicaragua, Panamá, Paraguay, Dominican Republic, Uruguay and Venezuela shall contribute the sum of $2,000 gold each, which will total the sum of $42,000 gold.

2. The Pan American Union is charged with collecting the subscribed amounts, and with taking the necessary steps for the publication of this work with any private persons and enterprises or entities of any kind; and it is fully empowered to execute all contracts and agreements and to make payments or advance funds, pursuant thereto.

3. The Pan American Union is hereby authorized to receive any contributions which on their own volition any private, scientific or literary institutions of the United States of America, Brazil, and Haiti may wish to make.

4. As soon as the publication is effected, the volumes will be distributed in proportion to the respective quotas. The contract for the publication may take the form of a subsidy to the publishing house, in which case the

cual podrá ésta dar la obra a la venta pública, por su propia cuenta, con la sola obligación de entregar a cada gobierno contribuyente un número limitado de ejemplares, que se acordará en el contrato.

5. Recomiéndase a la Unión Panamericana que promueva los medios de asegurar por anticipado la mejor acogida a lingüistas de reconocida pericia que intenten proseguir en forma científica la obra filológica de Don Rufino J. Cuervo hasta su terminación.

latter may place the edition on public sale on its own account, with the sole obligation of delivering to each of the contributing governments a limited number of volumes to be specified in the contract.

5. It is recommended to the Pan American Union that it promote the means of insuring beforehand that linguists of acknowledged ability who may intend to carry on to its completion, in a scientific manner, the philological work of Rufino J. Cuervo, be given the fullest encouragement.

Reserva de la Delegación de Chile

La delegación de Chile asiente al texto íntegro de esta resolución como homenaje a la obra de Cuervo, pero deja constancia de su reserva en cuanto a las dificultades, que entiende habrán de surgir, al satisfacerse por los gobiernos las cuotas asignadas, para lo cual será necesaria la correspondiente autorización de sus congresos respectivos.

Reservation of the Delegation of Chile

The delegation of Chile agrees to the full text of this resolution as a tribute to the work of Cuervo, but records its reservation as to the difficulties which it understands will arise for the payment by the Governments of the quotas assigned, for which payment the corresponding authorization of their respective parliaments will be necessary.

Reserva de la Delegación de la Argentina

La delegación de la República Argentina hace suya la reserva anterior, de la delegación de Chile.

Reservation of the Delegation of Argentina

The delegation of the Argentine Republic adopts as its own the foregoing reservation of the delegation of Chile.

APÉNDICE 38

RESOLUCIÓN

[SIMPLIFICACIÓN Y UNIFICACIÓN DE PROCEDIMIENTOS CONSULARES]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Aprobar en lo general las conclusiones de la Comisión Panamericana para la simplificación y unificación de los procedimientos consulares que constan en el acta final de la comisión;

Recomendar a los gobiernos de las repúblicas americanas que tomen las necesarias providencias en el sentido de dar ejecución a las resoluciones de la comisión en la medida que permitan las legislaciones internas de cada país y el interés nacional;

Recomendar que la Unión Panamericana convoque a la mayor brevedad posible, una segunda reunión de la Comisión Panamericana para la simplificación y unificación de procedimientos consulares para que estudie la cuestión de uniformidad de derechos consulares, sometiendo los resultados de sus trabajos al Consejo Directivo de la Unión Panamericana;

Recomendar que la Unión Panamericana, tan pronto termine sus trabajos la comisión referida, someta a los gobiernos miembros de la Unión, las recomendaciones que lleguen a ser formuladas por la comisión referente a la uniformidad de derechos consulares.

APPENDIX 38

RESOLUTION

[SIMPLIFICATION AND STANDARDIZATION OF CONSULAR PROCEDURE]

The Sixth International Conference of American States,

RESOLVES:

To approve in general the conclusions of the Pan American Commission for the Simplification and Standardization of Consular Procedure which appear in the final minutes of the said commission;

To recommend to the governments of the American republics that they take the necessary steps to carry out the resolutions of the commission to the extent permitted by the internal laws and national interests of each country;

To recommend that the Pan American Union convoke at the earliest date possible a second meeting of the Pan American Commission for the Simplification and Standardization of Consular Procedure to study the subject of uniformity of consular fees, submitting its findings to the Governing Board of the Pan American Union;

To recommend that the Pan American Union submit to the Governments, members of the Union, as soon as the above-mentioned commission finishes its labors, the recommendations which may be formulated by the commission with respect to the uniformity of consular fees.

APÉNDICE 39

RESOLUCIÓN

[EMIGRACIÓN E INMIGRACIÓN]

La Sexta Conferencia Internacional Americana, en atención a que está próxima a reunirse en esta ciudad la Segunda Conferencia Internacional de Emigración e Immigración, y con el deseo de no poner difficultades o límites a la obra de la mencionada conferencia; pero siendo necesario e indispensable, al mismo tiempo, hacer ciertas declaraciones de principios y algunas recomendaciones,

RESUELVE:

Abstenerse de estudiar en su amplitud, el problema de la inmigración; pero establece los siguientes principios y declaraciones acerca del mismo problema, como puntos de vista de las naciones americanas:

1. Que las convenciones sobre emigración e inmigración, que se celebren entre las naciones del continente americano y naciones de otros continentes, no puedan jamás imponer a un estado americano, medidas tendientes a substraer al emigrante a la legislación y jurisdicción del país en el cual se incorpora.

2. Que toda resolución concerniente a la emigración e inmigración, se inspire en este doble principio:

a) La igualdad de derechos civiles entre nacionales y extranjeros;
b) La cualidad de hombre libre que debe ser reconocida a todo inmigrante, respetados y protegidos los derechos y la dignidad de la persona humana, sin que, por otra parte, ese respeto y esa protección puedan justificar cualquiera ofensa a la soberanía del país.

3. Que los estados americanos se reserven el derecho de examinar las ventajas de la entrada de la corriente

APPENDIX 39

RESOLUTION

[EMIGRATION AND IMMIGRATION]

The Sixth International Conference of American States, in view of the fact that there is soon to be held in this city the Second International Conference on Emigration and Immigration, although not wishing to place difficulties in the way of or limits upon the labors of that conference; but nevertheless believing it necessary and indispensable to formulate certain declarations of principles and some recommendations,

RESOLVES:

To abstain from studying in its entirety the problem of immigration, but to establish the following principles and to make the following declarations with respect to that problem as indicative of the viewpoints of the American nations:

1. That conventions on emigration and immigration which may be concluded between the nations of the American continent and nations of other continents may never impose upon an American state measures tending to withdraw the emigrant from the legislation and jurisdiction of the country into which he becomes incorporated.

2. That all resolutions respecting emigration and immigration be inspired by this double principle:

a) Equality of civil rights as between nationals and foreigners;
b) The quality of freeman which should be recognized in every immigrant, the rights and dignity of human beings being respected and protected, without, however, this respect and this protection justifying any offense against the sovereignty of the country.

3. That the American states reserve the right to examine the advantages of the entry of the immigration current

inmigratoria en sus territorios, proveniente de otros continentes, ajustando su modo de proceder a sus intereses económicos, políticos y sociales.

4. Que sin prejuzgar, debe recomendarse, para su especial estudio, a la Segunda Conferencia Internacional de Emigración e Inmigración, la siguiente proposición formulada por la delegación de México:

Primero: Para los efectos de la protección de las leyes relativas, únicamente deben considerarse como *emigrantes*, a los individuos que, sin llevar capital propio, salen de su país para trabajar en otro, en las industrias, el comercio o en la agricultura, o en labores intelectuales, bajo la dependencia de un particular o empresa; y como *inmigrantes* a los que, en iguales condiciones y con el mismo propósito, llegan a un país que no es el suyo.

Segundo: Los gobiernos no deberán permitir la salida de un emigrante sin que previamente, y con su intervención, se hayan celebrado los siguientes contratos:

a) un contrato de transporte que garantice al emigrante su conducción hasta el lugar de utilización de sus servicios, en buenas condiciones de higiene, alimentación y comodidad adecuada;

b) un contrato de trabajo que garantice al mismo emigrante, la utilización de sus servicios en las condiciones que se estipulen y, especialmente, el pago de su regreso hasta el lugar en que se haya celebrada el contrato.

Los gobiernos, además de las garantías estipuladas, deben dictar las medidas de protección necesarias en favor del emigrante, hasta el puerto de entrada del país al que emigra; y en favor del inmigrante desde el puerto de entrada hasta el lugar que fije su contrato de trabajo.

Tercero: El inmigrante deberá gozar de los mismos derechos y garantías legales que el residente en el país al cual emigra, con excepción de los derechos políticos que cada nación otorgue a sus nacionales, sin que jamás puedan dictarse medidas de cualquiera naturaleza, que tiendan a colocar al inmigrante en situación legal o de hecho inferior a la de los nacionales.

from other continents into their territories, adjusting their procedures to their economic, political and social interests.

4. That without prejudgment there should be recommended to the Second International Conference on Emigration and Immigration, for special study, the following proposition formulated by the delegation of Mexico:

First: For the purpose of the protection of the respective laws, only those who without personal funds leave their country to work in another at industrial, commercial, agricultural, or intellectual labors in the employ of an individual or an enterprise shall be considered as *emigrants* and as *immigrants* those who under equal conditions and for the same purpose arrive at a country not their own.

Second: The Governments should not permit the departure of an emigrant unless previously, and with its intervention, the following contracts have been celebrated:

a) A transportation contract which guarantees to the emigrant his transportation to the point where his service will be utilized under good conditions of hygiene and alimentation and adequate comfort;

b) A labor contract which guarantees to the same emigrant the utilization of his services under the conditions to be stipulated and, especially, the payment of his return passage to the place where the contract was effected.

The governments, in addition to the guarantees stipulated, should dictate the necessary protective measures in favor of the emigrant until he reaches the port of entry of the country to which he migrates; and in favor of the immigrant from the port of entry to the place established in his labor contract.

Third: The immigrant should enjoy the same legal rights and guarantees as the resident in the country to which he migrates, with the exception of the political rights which each nation grants its nationals, without it being possible ever to dictate measures of any kind which tend to place the immigrant in a situation legally or in fact inferior to that of the nationals.

El gobierno del país al que llegue el emigrante deberá hacer cumplir, por los medios que establezcan sus leyes, los contratos de transporte y de trabajo a que se refiere el punto segundo, cuando así lo solicite el emigrante.

5. Que sin prejuzgar se recomienda al Consejo Directivo de la Unión Panamericana, incluya como tema de la próxima Conferencia Internacional Americana, y prepare, entretanto se celebre la conferencia, el material necesario para la mejor consideración del problema la siguiente iniciativa de la delegación de El Salvador:

Ninguno de los estados americanos puede poner trabas a la emigración e inmigración de los otros estados americanos ni limitarla a determinado número de ciudadanos de otro estado americano.

DECLARACIÓN DE LA DELEGACIÓN DE LOS ESTADOS UNIDOS DE AMÉRICA

La delegación de los Estados Unidos desea manifestar, en relación con esta resolución, que el Gobierno de los Estados Unidos considera que el control de inmigración es un asunto puramente interior, representando el ejercicio de un derecho soberano y que, en lo que respecta a los Estados Unidos, la autoridad de su Congreso en materia de inmigración es exclusiva.

DECLARACIÓN DEL DELEGADO DE CUBA, DOCTOR HERNÁNDEZ CARTAYA

El que suscribe, desea hacer constar que, como ampliación de la reserva que dejó formulada al suscribir el dictamen de la subcomisión designada para conciliar los distintos criterios sobre el tema de la inmigración, expone que no acepta de ese dictamen los particulares contenidos bajo los números 1, 2 y 3 del mismo, y en su lugar formula, como recomendación del exponente, la segunda conclusión reformada de su ponencia sobre ese tema, que a la letra dice:

When the emigrant so requests, the Government of the country to which the emigrant arrives should enforce the fulfillment, through the means which its laws may establish, of the transportation and labor contracts to which the second paragraph refers.

5. That without prejudgment, it is recommended to the Governing Board of the Pan American Union that it include as a subject for the coming International Conference of American States, and that it prepare, pending the holding of that conference, the necessary material for the best consideration of the problem involved in the following proposal of the delegation of Salvador:

No one of the American states may place obstacles in the way of the emigration and immigration of the other American states nor limit it to a determined number of citizens of another American state.

DECLARATION OF THE DELEGATION OF THE UNITED STATES OF AMERICA

The delegation of the United States desires, in connection with this resolution, to state that the Government of the United States considers that the control of immigration is a matter of purely domestic concern, representing the exercise of a sovereign right, and that, as far as the United States of America is concerned, the authority of its Congress in immigration matters is exclusive.

DECLARATION OF THE DELEGATE OF CUBA, DOCTOR HERNÁNDEZ CARTAYA

The undersigned wishes to go on record to the effect that as an amplification of the reservation made by him when subscribing to the report of the subcommittee appointed to conciliate the different viewpoints on the subject of immigration, he states that he does not accept in that report the items contained under numbers 1, 2, and 3 of the same, and in their stead he formulates, as a recommendation of the reporter, the modified second conclusion of his report on this subject, which reads:

Segunda: Que, no obstante, se expresen como deseos de la actual Conferencia Internacional Americana, que en los próximos acuerdos se propenda al perfeccionamiento de la protección de los inmigrantes, en los órdenes jurídico y social, inspirándose en el principio de la igualdad civil de nacionales y extranjeros; que se llegue a bases que vigoricen la organización de las corrientes migratorias, teniéndose en cuenta las diversas necesidades nacionales y la soberanía de los países de inmigración, que se considera como principio fundamental, y que se tienda, por los medios adecuados a fijar los extremos que, por su naturaleza, deban recomendarse, por ahora a la concertación de pactos bilaterales, para evolucionar en el derecho internacional de este trascendental fenómeno.

Second: That it be nevertheless expressed, as the wish of the present International Conference of American States, that in future agreements the protection of immigrants, in both the juridical and the social order, be sought under the inspiration of the principle of civil equality among nationals and foreigners; that bases be devised upon which the organization of migratory currents may be strengthened, due consideration being given to the varied needs and the sovereignty of immigration countries, which sovereignty is deemed to be a fundamental principle; that through all adequate means efforts be made to fix the points which, because of their nature, should be recommended for the present in the making of bilateral agreements, to develop the application of international law to this transcendental problem.

Declaración de la Delegación de la República Dominicana

Antes de emitir su voto sobre la resolución relativa al tema de "aspectos internacionales de los problemas de inmigración", la delegación dominicana desea reiterar, para que conste en acta, las observaciones formuladas por ella al tratarse este mismo tema en la comisión correspondiente.

No obstante el criterio sustentado por esta delegación de que estos problemas, en sus aspectos concretos, entran en el dominio privado de la legislación doméstica, no vió inconveniente en impartir su aprobación a la enunciación de principios y declaraciones contenidas bajo los números 1, 2 y 3 de la resolución, por considerar que dicha enunciación no tenía por objeto y fin primordial poner límite a la obra de la Conferencia Internacional de Emigración e Inmigración que se reunirá en esta ciudad próximamente, sino con el propósito de exponer los puntos de vista de las naciones americanas reunidas en esta Sexta Conferencia, y esos puntos de vista coinciden con el espíritu y las disposiciones positivas de la legislación dominicana.

El principio consignado en el número 1, proclama la soberanía del

Declaration of the Delegation of the Dominican Republic

Before casting its vote on the resolution relating to the subject of "International Aspects of Immigration Problems", the Dominican delegation wishes to reiterate, in order that they may appear in the minutes, the observations formulated by it when dealing with this subject in the corresponding committee.

In spite of the opinion held by this delegation that these problems, in their concrete aspects, fall within the private domain of domestic legislation, it did not find it inconvenient to give its approval to the enunciation of principles and statements contained under numbers 1, 2, and 3 of the resolution, as it considered that the said enunciation did not have as its object and principal purpose the placing of a limitation on the work of the International Conference on Emigration and Immigration that will convene in this city in the near future, but was made for the purpose of proclaiming the viewpoints of the American nations assembled in this Sixth Conference, which viewpoints coincide with the spirit and the positive dispositions of Dominican legislation.

The principle incorporated in number 1 proclaims the sovereignty of the

estado que recibe la inmigración, a cuya legislación y jurisdicción debe estar sujeto el inmigrante.

El principio de la igualdad de derechos civiles entre nacionales y extranjeros inspira toda la legislación dominicana. Sin embargo, debo reiterar aquí las reservas hechas en la Comisión de Asuntos Económicos. El legislador dominicano, con el propósito, no de restringir ese principio, sino de asegurar su aplicación en beneficio de los dominicanos residentes en el extranjero y de tomar algunas precauciones que se han juzgado necesarias, ha subordinado el goce o ejercicio de ciertos derechos civiles por parte de los extranjeros, a la condición de la reciprocidad legislativa, o del beneficio de un tratado o del hecho de que el extranjero haya sido autorizado a fijar su domicilio en el territorio de la República.

El principio consignado en el apartado "b" de la disposición número 2, no sólo es un punto de vista actual dominicano, sino que ha sido consagrado en nuestra Constitución como atributo inherente a la personalidad humana, y por tanto justifica plenamente nuestra más absoluta adhesión.

En cuanto al principio consignado en el número 3, me permito sugerir una pequeña modificación en el texto, para hacer sus disposiciones más claras. Propongo que se redacte así:

> 3. Que los estados americanos se reservan el derecho de examinar las ventajas de la entrada de la corriente inmigratoria en sus territorios, proveniente de otros territorios, *y ajustar* su modo de proceder a sus intereses económicos, políticos y sociales.

state receiving immigration, to whose legislation and jurisdiction the immigrant must be subject.

The principle of equality of civil rights among nationals and foreigners inspires all Dominican legislation. However, the delegation must reiterate here the reservations made in the Committee on Economic Problems. The Dominican legislator, desiring not to restrict this principle but to assure its application for the benefit of the Dominicans residing abroad, and of taking certain precautions which have been deemed necessary, has subordinated the enjoyment or exercise of certain civil rights by foreigners to the condition of legislative reciprocity, or the benefits of a treaty, or the fact that the foreigner may have been authorized to establish his domicile in the territory of the Republic.

The principle stated in section "b" of provision number 2 is not only a present Dominican viewpoint but has also been consecrated in our Constitution as an inherent attribute of human personality, and therefore fully justifies our most absolute adherence.

In reference to the principle stated in number 3, I take the liberty to suggest a slight modification in the text, to make its provisions clearer. I propose that it should be drawn thus:

> 3. That the American states shall reserve the right to examine the advantages of the entry of the immigration current coming from other territories into their own territories, *and adjust* their procedure to their economic, political, and social interests.

APÉNDICE 40

RESOLUCIÓN

[REGLAMENTACIÓN DEL TRÁFICO DE AUTOMÓVILES]

La Sexta Conferencia Internacional Americana,

Resuelve:

Recomendar al Segundo Congreso Panamericano de Carreteras que se reunirá en Río de Janeiro en julio de 1928, que formule las bases de una convención para la reglamentación internacional del tráfico de automóviles entre los países miembros de la Unión Panamericana, y que se sometan dichas bases al Consejo Directivo de la Unión Panamericana para que las tome en cuenta en la redacción del convenio que formulará y someterá a los gobiernos miembros de la Unión. Se recomienda asimismo al Segundo Congreso Panamericano de Carreteras que formule un proyecto de ley uniforme reglamentario del tráfico, que se enviará a la Unión Panamericana y que ésta trasmitirá a los gobiernos miembros de la Unión Panamericana para que los principios establecidos en dicho proyecto, se tengan, en cuanto sea posible, en cuenta en la legislación que se dicte en lo futuro en la materia y de este modo ir gradualmente procurando que todas las legislaciones en materia de tráfico en América se aproximen a la uniformidad en los principios fundamentales.

APPENDIX 40

RESOLUTION

[REGULATION OF AUTOMOTIVE TRAFFIC]

The Sixth International Conference of American States,

Resolves:

To recommend to the Second Pan American Congress of Highways, which will convene at Rio de Janeiro in July 1928, that it formulate the bases of a convention for the international regulation of automotive traffic between the countries that are members of the Pan American Union, and that the aforementioned bases be submitted to the Governing Board of the Pan American Union, that it may bear them in mind in the drafting of the Convention that it shall formulate and submit to the governments who are members of the Union. It is also recommended to the Second Pan American Congress of Highways that it prepare a project for a uniform law of traffic regulation, which shall be forwarded to the Pan American Union and which the latter shall transmit to the governments members of the Pan American Union, so that the principles established in said project be taken into account, as far as possible, in the legislation to be promulgated on this matter in the future, and in this way gradually to attempt to bring all American traffic legislation closer to uniformity in fundamental principles.

APÉNDICE 41

RESOLUCIÓN

[RATIFICACIÓN DE LAS CONVENCIONES SOBRE COMUNICACIONES ELÉCTRICAS]

La Sexta Conferencia Internacional Americana,

Considerando que las Repúblicas Argentina, Brasil, Cuba, Chile, República Dominicana, El Salvador, Estados Unidos Mexicanos, Panamá, y Paraguay, representadas por sus delegados plenipotenciarios en la Comisión Interamericana de Comunicaciones Eléctricas reunida en la ciudad de México, desde el 27 de mayo hasta el 22 de julio de 1924, suscribieron una convención que establece la reglamentación jurídica uniforme de los servicios interamericanos de comunicaciones eléctricas, y que dicha convención fué también suscrita *ad referendum* en nombre de sus respectivos países por los delegados de las Repúblicas de Colombia, Costa Rica, Guatemala, Nicaragua, Perú y Uruguay;

Considerando que las Repúblicas de América, con excepción del Ecuador estuvieron representadas, por sus plenipotenciarios, en la Conferencia Internacional de Radiotelegrafía que clausuró sus sesiones, en la ciudad de Wáshington, el 25 de noviembre de 1927, y que suscribieron una convención internacional general y un reglamento complementario de radiotelegrafía;

Considerando que estos instrumentos diplomáticos a que acaba de hacerse referencia están sometidos a la ratificación de los estados signatarios, y teniendo en consideración que la reglamentación jurídica de los servicios de comunicaciones eléctricas, materia del tema 7, del Capítulo III del programa, ha sido establecido en dichos convenios;

RESUELVE:

Recomendar a los estados miembros de la Unión Panamericana que firmaron estos convenios, su pronta consideración y ratificación por los gobiernos respectivos.

APPENDIX 41

RESOLUTION

[RATIFICATION OF ELECTRICAL COMMUNICATIONS CONVENTIONS]

The Sixth International Conference of American States,

Whereas the Republics of Argentina, Brazil, Cuba, Chile, Santo Domingo, Salvador, Mexico, Panamá and Paraguay, represented by their delegates plenipotentiary in the Inter-American Commission on Electrical Communications, in session in the city of Mexico from May 27 to July 22, 1924, signed a convention that establishes the uniform juridical regulation of inter-American electrical communications, and the aforementioned convention was also signed *ad referendum* in the name of their respective countries by the delegates of the Republics of Colombia, Costa Rica, Guatemala, Nicaragua, Perú and Uruguay.

Whereas the Republics of America, with the exception of Ecuador, were represented by means of their plenipotentiaries at the International Conference on Radiotelegraphy that closed in the city of Washington on November 25, 1927, and signed a general international convention and complementary regulations of radiotelegraphy;

Whereas these diplomatic instruments which have just been referred to are submitted for ratification to the signatory states, and considering that the juridical regulation of electrical communication, the subject of the seventh topic of Chapter III of the program, has been established in the aforementioned conventions;

RESOLVES:

To recommend to the states members of the Pan American Union which signed these conventions prompt consideration and ratification of them by their respective governments.

APÉNDICE 42

RESOLUCIÓN

[LÍNEAS DE VAPORES Y FORMALIDADES INNECESARIAS DE PUERTO]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Recomendar al Consejo Directivo de la Unión Panamericana, que convoque una reunión de técnicos, que en representación de sus respectivos gobiernos, en el lugar y fecha que la Dirección tenga a bien acordar, estudie:

a) Los medios más efectivos para el establecimiento de líneas de vapores que conecten entre sí todos los países de América;

b) Los medios de eliminación de las formalidades innecesarias de puerto.

APPENDIX 42

RESOLUTION

[STEAMSHIP LINES AND UNNECESSARY PORT FORMALITIES]

The Sixth International Conference of American States,

RESOLVES:

To recommend to the Governing Board of the Pan American Union that it convoke a meeting of experts, who, representing their respective governments, at the place and on the date that the Board deems convenient, shall study:

a) The most effective means to establish steamship lines connecting among themselves all the countries of America;

b) The means of eliminating unnecessary port formalities.

APÉNDICE 43

RESOLUCIÓN

[NAVEGABILIDAD DE LOS RIOS]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Recomendar a los gobiernos de las repúblicas de América que tengan ríos navegables, que procedan a realizar estudios técnicos sobre sus condiciones de navegación y los obstáculos que la impidan, métodos y costo de la eliminación de esos obstáculos y la posibilidad de conectar o mejorar las conexiones que existen entre los ríos navegables de América, arribando a conclusiones concretas sobre los puntos enunciados, con el objeto de remitir estos antecedentes en memorias explicativas a la Unión Panamericana, para que ésta someta los mencionados estudios a la consideración de la próxima Conferencia Panamericana.

APPENDIX 43

RESOLUTION

[NAVIGABILITY OF RIVERS]

The Sixth International Conference of American States,

RESOLVES:

To recommend to the governments of the American republics which have navigable rivers, that they proceed to undertake technical studies regarding the conditions of said rivers, their navigability, the obstacles which impede their navigation, methods and cost of the elimination of those obstacles, and the possibility of connecting or bettering the connections which exist between the navigable rivers of America, arriving at definite conclusions on the points mentioned, with the object of submitting these findings with explanatory memoranda to the Pan American Union, in order that it may refer said studies to the consideration of the next Pan American Conference.

APÉNDICE 44

RESOLUCIÓN

[FERROCARRIL PANAMERICANO]

La Sexta Conferencia Internacional Americana,

RESUELVE:

1. Mantener en toda su vigencia los acuerdos de las anteriores conferencias que disponen construir el Ferrocarril Panamericana por la ruta de los Andes que actualmente sigue y que fué trazada en 1890;

2. Recomendar a las naciones americanas que reorganicen los comités nacionales del Ferrocarril Panamericano de modo que puedan estudiar los trazos locales definitivos, dando cuenta de sus estudios al comité central de Wáshington para que los seleccione y los unifique;

3. Recomendar, asimismo, a las naciones americanas que todavía no han construído o terminado de construir las secciones que les corresponden de dicho ferrocarril, la necesidad y la urgencia de comenzarlos o de concluirlos, por cuanto el Ferrocarril Panamericano será la más positiva manifestación del espíritu de fraternidad continental;

4. Expresar su agradecimiento a la Comisión del Ferrocarril Panamericano de Wáshington por las importantes labores que ha realizado y reiterarle el acuerdo de la Quinta Conferencia Panamericana de Santiago en cuanto le recomienda el estudio de los medios prácticos, técnicos, financieros y de otros órdenes capaces de facilitar la construcción del ferrocarril que tan poderosamente contribuirá a la unión de los países americanos;

5. Recomendar, asimismo, a dicha comisión el estudio general en el terreno de los trazos propuestos por los ingenieros Briano y Havens, los cuales trazos

APPENDIX 44

RESOLUTION

[PAN AMERICAN RAILWAY]

The Sixth International Conference of American States,

RESOLVES:

1. To maintain in full force the resolutions of the previous conferences which provide that the Pan American Railway shall be constructed along the Andes route which it follows at present and which was outlined in 1890;

2. To recommend to the nations of America that they reorganize the national committees of the Pan American Railway, so that they may study the definitive local routes, informing the central committee at Washington of their studies, in order that it may select and unify them;

3. To recommend, likewise, to the nations of America that have not as yet constructed, or terminated the construction of, the sections of the aforesaid railway within their jurisdiction, the necessity and urgency of beginning or finishing them, inasmuch as the Pan American Railway is to be the most positive expression of the spirit of continental fraternity;

4. To express its gratitude to the Pan American Railway Committee at Washington for the important work it has accomplished and to reiterate the resolution of the Fifth Pan American Conference at Santiago in so far as it recommends to the aforesaid committee the study of the practical, technical, financial and other means capable of facilitating the construction of the railway which shall contribute so powerfully to the union of the countries of America;

5. To recommend, likewise, to said committee a general field study of the routes proposed by the engineers Briano and Havens, which routes shall be con-

deberán considerarse como el esbozo de futuras rutas complementarias pero no sustitutorias de la que actualmente está ya construída en las dos terceras partes de su recorrido;

6. Inscribir en el acta general de los trabajos de la Sexta Conferencia los agradecimientos de ésta a los esfuerzos hasta ahora consagrados a la construcción de la grande obra por todos los que a ella se han dedicado, desde los primeros técnicos que la estudiaron hasta aquellos que en los últimos tiempos le aportan tan valiosas contribuciones, encaminadas a la resolución final y definitiva del Ferrocarril Panamericano y de sus conexiones con las líneas nacionales.

sidered the outlines of future complementary routes, but not substitutes for the one already constructed along two thirds of its length;

6. To inscribe in the general minutes of the Sixth Conference its gratitude for the efforts exerted to date in carrying out the great enterprise by all those who have devoted themselves to it, from the first experts who studied it to those who have recently brought to it so many valuable contributions towards the final and definitive building of the Pan American Railway and its connections with the national lines.

APÉNDICE 45

RESOLUCIÓN

[EL TRÁFICO FERROVIARIO INTERNACIONAL]

La Sexta Conferencia Internacional Americana,

RESUELVE:

1. Recomendar a los estados miembros de la Unión Panamericana la formación dentro del seno del Ferrocarril Panamericano de una subcomisión dedicada exclusivamente al estudio de las distintas convenciones por las cuales se rigen los ferrocarriles internacionales de América ya en operación, para poder así formular las bases de un convenio general, sujeto a reglas e informes que sin lesionar los intereses de los países de tránsito, estimule el comercio internacional. Que esta subcomisión conozca las recomendaciones que hayan formulado o formulen los congresos sobre la materia;

2. Recomendar a los gobiernos de la Unión que al promulgar reglas que afecten al tráfico de carga y pasajeros se tenga en cuenta la necesidad de darle las mayores facilidades a ese tráfico, consistentes si posible fuera en hacer que las formalidades de aduanas, inmigración y sanidad se lleven a cabo mientras el tren en ruta se aproxima a la frontera;

3. Recomendarles asimismo que para facilitar las operaciones en las aduanas internacionales se adopten prácticas y procedimientos similares en lo que a corretaje, cobro de impuestos y demás gastos se refiere;

4. Recomendarles también que futuras modificaciones de los reglamentos nacionales que afecten el tráfico de ferrocarriles internacionales deben ser trasmitidos a los estados miembros de la Unión;

5. Que para facilitar el tráfico en el Ferrocarril Internacional se recomiende a los gobiernos miembros de la Unión dar toda clase de facilidades para procurar la continuidad de la vía del Ferrocarril Panamericano en su paso a través de las fronteras nacionales.

APPENDIX 45

RESOLUTION

[INTERNATIONAL RAILWAY TRAFFIC]

The Sixth International Conference of American States,

RESOLVES:

1. To recommend to the states members of the Pan American Union the forming, within the Committee on the Pan American Railway, of a subcommittee which shall devote itself exclusively to the study of the various conventions governing international railways already in operation, in order thus to be able to formulate the bases of a general agreement subject to the rules and reports which, without injuring the interests of the countries of transit, may stimulate international commerce; which subcommittee shall study the recommendations which have been formulated or may be formulated by other congresses on this matter;

2. To recommend to the governments members of the Union that, when promulgating laws which affect the transit of cargo and passengers, they bear in mind the necessity that exists of granting said transit the greatest facilities, endeavoring to have the formalities of customs, immigration, and public health carried out while the rain is *en route* approaching the frontier;

3. To recommend to them also that in order to facilitate the work of international customs, they adopt similar practices and procedures in everything relating to brokerage, collection of duties, and other expenses;

4. To recommend to them also the transmission, to the states who are members of the Union, of all future modifications of national regulations affecting the traffic of international railways;

5. In order to facilitate traffic on the international railway, to recommend to the governments members of the Union that they grant all possible facilities in order to insure the continuity of the trackage of the Pan American Railway in its course across international frontiers.

APÉNDICE 46

RESOLUCIÓN

[COMUNICACIÓN MARÍTIMA CON LOS PUERTOS DE CENTROAMÉRICA]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Que la recomendación acordada por el Congreso Panamericano de Carreteras, celebrado en Buenos Aires en octubre de 1925, sobre "que se recomendara a las Repúblicas Americanas que posean líneas de navegación que provean lo más pronto posible para que dichas líneas hagan escala en los puertos marítimos de ciertas repúblicas de las Antillas, dándoles acceso a los puertos más importantes del continente americano y haciéndolos beneficiar del sistema americano de transporte"; se adicione en el sentido de comprender en el beneficio de la recomendación a Centroamérica.

APPENDIX 46

RESOLUTION

[MARITIME COMMUNICATIONS WITH CENTRAL AMERICAN PORTS]

The Sixth International Conference of American States,

RESOLVES:

That the recommendation agreed to by the Pan American Congress of Highways, convened at Buenos Aires in October 1925, to the effect that "it be recommended to the American Republics possessing navigation lines that they make provision as soon as possible to have the aforementioned lines touch at the maritime ports of certain Republics of the West Indies, giving them access to the most important ports of the American continent and allowing them to benefit from the American system of transportation"; be enlarged to include Central America in the benefits of the recommendation.

APÉNDICE 47

RESOLUCIÓN

[CARRETERA INTERAMERICANA]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Otorgar su plena aprobación a la iniciativa de construirse una carretera interamericana, y recomendar a todos los gobiernos, miembros de la Unión Panamericana, que cooperen en todo lo posible a la pronta realización de dicho proyecto.

APPENDIX 47

RESOLUTION

[PAN AMERICAN HIGHWAY]

The Sixth International Conference of American States,

RESOLVES:

To give its full approval to the initiative for the building of an inter-American highway and to recommend to all governments members of the Pan American Union that they cooperate, in so far as possible, in the prompt realization of the said project.

APÉNDICE 48

RESOLUCIÓN

[CONFERENCIA INTERNACIONAL DE AVIACIÓN CIVIL]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Declarar que mira con calurosa simpatía la idea del señor Presidente de los Estados Unidos, Honorable Calvin Coolidge, de convocar en Wáshington, en diciembre próximo, una conferencia internacional de aviación civil y formula votos para que, en beneficio de la armonía internacional y especialmente de los progresos de la aviación comercial internacional e interamericana, esa iniciativa tenga una pronta y feliz realización.

APPENDIX 48

RESOLUTION

[INTERNATIONAL CONFERENCE ON CIVIL AVIATION]

The Sixth International Conference of American States,

RESOLVES:

To declare that it regards with warmest sympathy the idea of the Honorable President of the United States, Mr. Calvin Coolidge, of convening, in the coming month of December, an International Conference on Civil Aviation, to be held at Washington, and earnestly wishes, in the interest of international harmony and, especially, of the progress of international and inter-American commercial aviation, that this initiative may be promptly and successfully carried out.

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APÉNDICE 49

RESOLUCIÓN

[UNIFORMIDAD DE ESPECIFICACIONES]

La Sexta Conferencia Internacional Americana,

Recomienda:

1. La Alta Comisión Interamericana se dirigirá, a la mayor brevedad, a las organizaciones de importadores y consumidores de los Estados Unidos que introducen productos latino-americanos, a fin de obtener toda clase de datos sobre la forma en que tienen mejor aceptación los productos que en la actualidad se exportan en mayor cantidad de cada país latino-americano a Estados Unidos, incluyendo amplios detalles relativos a su empaque.

2. El Consejo Ejecutivo de la Alta Comisión Interamericana suministrará todos esos datos a sus secciones en cada país, encareciéndoles que los hagan llegar a los productores y exportadores, por conducto de las organizaciones de éstos con objeto de acatarlos en lo posible por lo pronto, y de estudiar las reformas convenientes para uniformar las especificaciones, teniendo en cuenta las condiciones del producto en cada lugar.

3. Se recomienda la creación de una comisión panamericana organizada con representantes de las organizaciones de consumidores y exportadores de Estados Unidos y de las organizaciones de productores y exportadores de cada uno de los países latino-americanos, que se encarguen de estudiar, en sesiones periódicas, la mejor manera de uniformar las especificaciones de cada producto, procurando adoptar en éstos el sistema métrico decimal, de igualar el nombre en español de los productos de especificaciones idénticas y de que el equivalente de ese nombre en otros idiomas se emplee en cada uno de éstos para denominar al mismo producto solamente.

Esta comisión se dividirá en tres secciones, de acuerdo con el origen vegetal, animal o mineral de los productos cuyas especificaciones se trata de uniformar.

APPENDIX 49

RESOLUTION

[STANDARDIZATION OF SPECIFICATIONS]

The Sixth International Conference of American States,

Recommends:

1. The Inter American High Commission shall at an early date address the organizations of importers and consumers of the United States who import Latin American products, with a view to obtaining all manner of data concerning the form in which the products at present exported in greatest quantities from each Latin American country to the United States is most acceptable, including full details relative to packing.

2. The Executive Council of the Inter American High Commission shall furnish all such data to its sections in each country, requesting them to convey the same to the producers and exporters, through their organizations, with a view to the fulfillment of the recommendations they contain as far as possible at present, and the study of reforms necessary to standardize specifications, taking into account the conditions of the product in each place.

3. The creation is recommended of a Pan American Commission, to be formed of representatives of the organizations of consumers and exporters of the United States and of the organizations of producers and exporters of each Latin American country, and which will take up the study, at periodical meetings, of the best means of standardizing the specifications of each product, endeavoring to adopt therefor the metric decimal system, a uniform name in Spanish for the products of identic specifications, and to have the equivalent of such name in other languages used for the designation of the same product only.

This commission shall be divided into three sections, according to the vegetable, animal, or mineral origin of the products the specifications of which are to be standardized.

4. El Consejo Directivo de la Unión Panamericana fijará las fechas y lugares de reunión de dicha comisión, e invitará tan pronto como sea posible, a los gobiernos, miembros de la Unión, a procurar la organización de productores y exportadores de su país y a nombrar a los representantes de estas organizaciones en la comisión antes mencionada.

5. Se recomienda a la vez al Consejo Directivo de la Unión Panamericana que, en cooperación con la Alta Comisión Interamericana lleve a cabo el trabajo preliminar relacionado con las labores de dicha comisión y que las conclusiones a que ésta vaya llegando las comunique, desde luego, a los gobiernos miembros de la Unión y a las secciones, en cada país, de la Alta Comisión Interamericana.

6. Se recomienda a los gobiernos miembros de la Unión Panamericana que sus secretarías de estado, en colaboración con las secciones de la Alta Comisión Interamericana y de las organizaciones de productores y exportadores, desarrollen, por los medios de publicidad que estimen convenientes, una amplia labor educativa y de propaganda y también una labor técnica para el mejor éxito de la uniformidad de especificaciones, para facilitar las transacciones y para conseguir el desarrollo del comercio interamericano.

7. La Tercera Conferencia Panamericana sobre Uniformidad de Especificaciones se reunirá en Cuba dentro de un plazo máximo de tres años, en la ciudad y fecha que señale su gobierno.

En esta conferencia tomarán parte representantes de las secretarías de estado que en cada país estén llevando a cabo las labores educativas y técnicas sugeridas, representantes de la Alta Comisión Interamericana y de sus secciones en cada país, representantes de las organizaciones de productores y exportadores y de consumidores e importadores, debiendo informar cada organización sobre los progresos que haya realizado en la uniformidad de especificaciones.

4. The Governing Board of the Pan American Union shall fix the dates and places of meeting of the said commission, and shall as soon as possible invite the Governments, members of the Union, to undertake the organization of producers and exporters of their respective countries, and the appointment of representatives of such organizations on the commission.

5. It is also recommended to the Governing Board of the Pan American Union that in cooperation with the Inter American High Commission it carry into effect the preliminary work connected with the labors of such commission, and that the conclusions at which it arrives be communicated promptly to the governments members of the Union and the sections of the Inter American High Commission in each country.

6. It is recommended to the governments members of the Pan American Union, that their respective departments of state, in collaboration with the sections of the Inter American High Commission and the organizations of producers and exporters, develop, by means of such publicity as they may deem convenient, adequate educational work and propaganda, as well as technical labor, for the greater success of the standardization of specifications in order to facilitate transactions and develop inter-American commerce.

7. The Third Pan American Conference on Standardization of Specifications will meet in Cuba within a maximum period of three years, at such city and on such date as may be indicated by the Government thereof.

At this conference, representatives of the departments of state which, in the various countries, are conducting the educational and technical labors suggested, will participate, as well as representatives of the Inter American High Commission and its sections in each country, representatives of organizations of producers and exporters and of consumers and importers, each such organization to make a report as to the progress attained in respect to the standardization of specifications.

APÉNDICE 50

RESOLUCIÓN

[ADOPCIÓN DEL SISTEMA MÉTRICO DECIMAL]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Que siendo el sistema métrico decimal el establecido por la Unión Panamericana, se excita a las respectivas delegaciones para que se empeñen en que el sistema métrico decimal sea implantado a la mayor brevedad en los países en que este sistema no rige actualmente, ya que se trata de un problema básico y de gran trascendencia para ser viable la convención sobre unidad de las especificaciones, celebrada en la ciudad de Lima, Perú, en diciembre de 1924.

APPENDIX 50

RESOLUTION

[ADOPTION OF THE METRIC DECIMAL SYSTEM

The Sixth International Conference of American States,

RESOLVES:

That whereas the metric decimal system is the one established by the Pan American Union, the respective delegations are urged to interest themselves to the end that the metric decimal system be adopted as early as possible in the countries in which it is not as yet in use, since this is a basic problem of great transcendence for the purpose of making feasible the convention on standardization of specifications concluded at the city of Lima, Perú, in December 1924.

APÉNDICE 51

RESOLUCIÓN

[SIMPLIFICACIÓN DEL CALENDARIO]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Recomendar a los países de la Unión Panamericana que se nombre en cada uno de ellos un comité nacional para estudiar la propuesta simplificación del calendario y que se hagan los preparativos que sean necesarios para que dichos países tomen participación en una conferencia internacional, que habrá de examinar el mejor método de la reforma.

APPENDIX 51

RESOLUTION

[SIMPLIFICATION OF THE CALENDAR]

The Sixth International Conference of American States,

RESOLVES:

To recommend to the countries of the Pan American Union that there be appointed in each of them a national committee to consider the proposed simplification of the calendar and to make such preparations as may be necessary for the participation of those countries in an international conference which is to examine the best method of reform.

APÉNDICE 52

RESOLUCIÓN

[CONGRESO PANAMERICANO DE MUNICIPIOS]

La Sexta Conferencia Internacional Americana.

RESUELVE:

1. Que por la Unión Panamericana se organice y lleve a efecto el Primer Congreso Panamericano de Municipios;

2. Que en el programa de ese congreso se inscriban con la mayor amplitud los temas que afectan al urbanismo y a los sistemas de administración urbana, así como aquellos otros que directa o indirectamente se relacionen con la vida comunal;

3. Que para concurrir a ese congreso se invite a los municipios mayores de cincuenta mil habitantes, así como a las organizaciones municipales políticas o técnicas y a las personas de reconocida competencia en la materia fundamento del congreso;

4. Que siguiendo la práctica establecida por la Unión Internacional de Ciudades se efectúe una reunión preparatoria del congreso en cuestión, gestionándose por la Unión Panamericana que esa junta previa tenga efecto en la ciudad de Boston, en el primer semestre de 1930, aprovechando la circunstancia de que en ese año celebra la culta ciudad norteamericana el tercer centenario de su fundación;

5. Y que el Primer Congreso Panamericano de Municipios tenga efecto en la ciudad de la Habana, en las fechas que se indiquen durante el primer semestre de 1931, en razón de ser la capital cubana la que ha llevado a cabo los principales trabajos por la intermunicipalidad.

APPENDIX 52

RESOLUTION

[PAN AMERICAN CONGRESS OF MUNICIPALITIES]

The Sixth International Conference of American States,

RESOLVES:

1. That the First Pan American Congress of Municipalities be organized and carried into effect by the Pan American Union;

2. That the subjects relating to city government and to the systems of urban administration as well as those which directly or indirectly may relate to communal life be incorporated, with the widest possible scope, into the program of this congress;

3. That the municipalities with more than fifty thousand inhabitants, the political or technical municipal organizations, and the individuals of acknowledged competence on the basic subject of the congress be invited to attend;

4. That following the practice set by the International Union of Cities, a preparatory meeting of the congress under consideration be held, the Pan American Union to carry out negotiations for the purpose of having such initial meeting take place in the city of Boston during the first semester of 1930, taking advantage of the circumstance that the cultured North American city commemorates in that year the third centenary of its foundation;

5. That the First Pan American Congress of Municipalities be held in the city of Habana, on the dates to be indicated, during the first semester of 1931, due to the fact that the Cuban capital has been the one which has carried out most important labors on intermunicipal matters.

APÉNDICE 53

RESOLUCIÓN

[CREACION DE ESCUELAS DIPLOMATICAS Y CONSULARES]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Recomendar a los gobiernos que forman parte de la Unión Panamericana la creación o ampliación de escuelas, institutos o seminarios diplomáticos y consulares en se que enseñen las materias propias de las carreras diplomática y consular con el fin de llegar a la mayor uniformidad posible en la legislación sobre los estudios y requisitos que se exijan para el ingreso en el Servicio Exterior.

APPENDIX 53

RESOLUTION

[ESTABLISHMENT OF DIPLOMATIC AND CONSULAR SCHOOLS]

The Sixth International Conference of American States,

RESOLVES:

To recommend to the governments members of the Pan American Union the establishment or enlargement of diplomatic and consular schools, institutes or seminaries where the subjects pertaining to the diplomatic and consular career will be taught, to the end of achieving the greatest possible uniformity in the legislation on the studies and requisites to be enforced for admission to the foreign service.

APÉNDICE 54

RESOLUCIÓN

[DESIGNANDO A MONTEVIDEO COMO SEDE DE LA SÉPTIMA CONFERENCIA]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Designar la ciudad de Montevideo, para sede de la Séptima Conferencia Internacional Americana.

APPENDIX 54

RESOLUTION

[DESIGNATING MONTEVIDEO AS THE SEAT OF THE SEVENTH CONFERENCE]

The Sixth International Conference of American States,

RESOLVES:

To designate the city of Montevideo as the seat of the Seventh International Conference of American States.

APÉNDICE 55

RESOLUCIÓN

[COMISIÓN SOBRE ESTADÍSTICAS DE COMUNICACIONES MARITIMAS, FLUVIALES, TERRESTRES, Y AÉREAS]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Recomendar a la Unión Panamericana la convocatoria de una comisión de técnicos de todos los países de América, en el lugar y fecha que fije la misma Unión, encargada de preparar las bases de una convención interamericana de estadísticas de comunicaciones marítimas, fluviales, de comunicaciones terrestres y de comunicaciones aéreas.

Las bases referidas deberán ser oportunamente enviadas por la Unión Panamericana a la Séptima Conferencia.

APPENDIX 55

RESOLUTION

[COMMISSION ON STATISTICS OF MARITIME, FLUVIAL, LAND, AND AERIAL COMMUNICATIONS]

The Sixth International Conference of American States,

RESOLVES:

To recommend to the Pan American Union the calling of a commission of experts from all the countries of America, the place and date to be fixed by the Union itself, entrusted with preparing the bases for an inter-American convention on statistics of maritime, fluvial, land, and aerial communications.

The aforementioned bases shall in due time be sent by the Pan American Union to the Seventh Conference.

APÉNDICE 56

RESOLUCIÓN

[ADÓPCION DE LA HECTÁREA-METRO COMO NUEVA UNIDAD DEL SISTEMA MÉTRICO DECIMAL]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Recomendar a los países que ya tienen adoptado el sistema métrico decimal, que acepten como nueva unidad la *hectárea metro*, equivalente a 10,000 (diez mil) metros cúbicos, y la cual será de gran utilidad, especialmente en la medida de los volúmenes de agua que se destinen a fines de irrigación.

APPENDIX 56

RESOLUTION

[ADOPTION OF THE HECTARE-METER AS A NEW UNIT OF THE METRIC SYSTEM]

The Sixth International Conference of American States,

RESOLVES:

To recommend to the countries which have already adopted the decimal metric system, that they accept as a new unit the hectare-meter, equivalent to 10,000 (ten thousand) cubic meters, which will be of great usefulness especially in the measurement of volumes of water intended for irrigation purposes.

APÉNDICE 57

RESOLUCIÓN

[COOPERACIÓN AGRÍCOLA]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Enviar a la Unión Panamericana la ponencia de la Sexta Comisión sobre cooperación agrícola continental, con copias de las proposiciones que la determinan, a fin de que la Unión las tome en consideración, remitiéndola a estudio de la Séptima Conferencia o de una comisión de técnicos o del Congreso Comercial o dándole cualquier otra forma que estime conveniente:

I

1. Establecer, en la Unión Panamericana, una comisión permanente que prestará sus servicios técnicos en el desenvolvimiento de un plan de cooperación interamericana, para el estudio de los problemas relacionados con la agricultura, selvicultura, industria animal y previsión y destrucción de las plagas y enfermedades que afecten a los animales o a las plantas, así como sus productos, en los países miembros de la Unión.

2. Se proveerá a los gastos que ocasione el mantenimiento de la comisión en la misma forma establecida para el mantenimiento de la Unión Panamericana y en conformidad con un presupuesto aprobado por el Consejo.

3. El Consejo Directivo nombrará a los miembros de la comisión, teniendo en consideración, al hacer las designaciones, que en ella estén representadas las diferentes secciones geográficas de América.

4. La comisión se reunirá en el lugar que fije el Consejo Directivo.

APPENDIX 57

RESOLUTION

[AGRICULTURAL COOPERATION]

The Sixth International Conference of American States,

RESOLVES:

To send to the Pan American Union the report of the Sixth Committee relative to continental agricultural cooperation, with copies of the proposals upon which it is based, to the end that the Union shall take them into consideration and transmit them for study to the Seventh Conference, to a commission of experts, or to the Commercial Congress, or deal with them in any other manner it may deem convenient

I

1. To establish in the Pan American Union a permanent commission which shall lend its technical services to the development of a plan of inter-American cooperation for the study of the problems relating to agriculture, forestry, animal industry and prevention and destruction of the plagues and diseases affecting animals or plants, as well as their products, in the countries members of the Union.

2. Provision shall be made for the expenses occasioned by the maintenance of this commission in the same manner as that established for the maintenance of the Pan American Union and in conformity with a budget approved by the Governing Board.

3. The Governing Board shall name the members of the commission, taking into consideration in making the appointments that the different geographical sections of America be represented.

4. The commission shall meet in the place selected by the Governing Board.

5. El programa anual de trabajo será sometido por la comisión al Consejo Directivo de la Unión Panamericana, el cual podrá hacer las modificaciones que juzgue conveniente.

6. Los gobiernos miembros de la Unión podrán pedir a la comisión informes sobre las cuestiones que son objeto de sus trabajos, y deberán comunicarle a dicha comisión no sólo las medidas que se adopten por organizaciones oficiales sino también, en cuanto sea posible, las empleadas por entidades nacionales o extranjeras domiciliadas en su territorio.

7. Se constituirá un fondo destinado al desarrollo de los trabajos de investigación de la comisión. Dicho fondo se formará mediante asignaciones, subvenciones y donaciones que hagan los gobiernos miembros de la Unión, las asociaciones de agricultores y criadores, las organizaciones científicas y los particulares interesados en el progreso de las ciencias. El Consejo Directivo de la Unión Panamericana, gestionará la formación del fondo y establecerá las reglas para su administración.

8. El Consejo Directivo de la Unión Panamericana, a solicitud de un gobierno interesado, miembro de la Unión, podrá encargar a la comisión el estudio de cualquier caso concreto que se haya presentado dentro del territorio del país, solicitando informe sobre plagas, cuarentenas, etcétera, así como de que emita su concepto técnico al respeto.

II

Encargar al Consejo Directivo de la Unión Panamericana de convocar una conferencia interamericana, de agricultura tropical, selvicultura e industria animal, formada por expertos nombrados por los respectivos gobiernos, con el objeto de formular las bases de un plan de cooperación continental efectiva para el desarrollo de dichas industrias y una estricta conexión entre las organizaciones oficiales y privadas en estos ramos de producción. En capacidad consultiva serán invitados a esta conferencia los representantes de organizaciones privadas

5. The annual program of work shall be submitted by the commission to the Governing Board of the Pan American Union, which shall have power to make any modifications it may judge advisable.

6. The governments members of the Union may ask the commission for reports on the questions that are within the scope of its work and shall communicate to said commission not only the measures adopted by official organizations but also, as far as possible, those employed by national or foreign entities domiciled in their territory.

7. A fund shall be established for the development of the research work of the commission. Said fund shall be raised by means of assignments, subventions and donations made by the governments members of the Union, the associations of farmers and breeders, scientific organizations and private persons interested in the progress of the sciences. The Governing Board of the Pan American Union shall promote the raising of the fund and shall establish the rules for its administration.

8. The Governing Board of the Pan American Union, at the request of an interested government member of the Union, may entrust the commission with the study of any concrete case which may have arisen within the territory of the country requesting its report on plagues, quarantines, etc., as well as the expression of its technical opinion on the matter.

II

To entrust the Governing Board of the Pan American Union with the convocation of an inter-American conference on tropical agriculture, forestry and animal industry, to be composed of experts appointed by the respective governments, with the aim of formulating the bases for a plan of effective continental cooperation for the development of said industries and for close connections between the official and private organizations dealing with these branches of production. The representatives of private organizations of the agricultural, forestal and

de las industrias agrícola, forestal y animal.

Los resultados del trabajo de la conferencia serán sometidos al Consejo de la Unión Panamericana. El Consejo Directivo fijará el lugar y la fecha de la reunión de la conferencia, y formulará el programa de sus trabajos.

III

Recomendar a los gobiernos de América que presten efectiva cooperación al establecimiento de cursos de agricultura y selvicultura e industria animal en la Universidad Panamericana fundada en Panamá, de conformidad con la resolución del Congreso Científico Panamericano y recomienda asimismo a las universidades y a las escuelas de agricultura de los países de América que establezcan un intercambio de profesores y alumnos con la Universidad Panamericana de Panamá especialmente en cuanto se refiere a la agricultura, selvicultura tropical e industria animal.

animal industries shall be invited to this conference in a consultative capacity.

The results of the conference's labors shall be submitted to the Governing Board of the Pan American Union. The Governing Board of the Pan American Union shall fix the place and date for the meeting of the conference and shall formulate the program of its work.

III

To recommend to the governments of America that they lend effective cooperation to the establishment of courses on agriculture, forestry and animal industry at the Pan American University founded in Panamá, pursuant to the resolution of the Pan American Scientific Congress; and also to recommend to the universities and agricultural schools of American countries that they establish an exchange of professors and students with the Pan American University of Panamá, especially concerning agriculture, tropical forestry and animal industry.

APÉNDICE 58

RESOLUCIÓN

[LEGISLACIÓN UNIFORME SOBRE LETRAS DE CAMBIO]

La Sexta Conferencia Internacional Americana,

RESUELVE:

1. Recomendar a los estados que forman la Unión Panamericana, la adopción de una ley uniforme sobre letras de cambio y demás efectos de comercio, que tenga como base el reglamento aprobado en La Haya de 1912, con la siguiente modificación:

(i) Se suprimirá del título primero del reglamento, relativo a letras de cambio, el capítulo denominado "De los conflictos de leyes", y por ende, los artículos 74, 75 y 76 que lo integran.

(ii) Serán materia de las disposiciones de dicho título primero, como efectos de comercio, equivalentes a la letra de cambio, el giro y la libranza, recomendándose el uso preferente de la palabra "giro" para designarlos a todos.

(iii) Será materia de las disposiciones del título segundo, relativo al pagaré, como efecto de comercio equivalente a él, el vale.

(iv) Se añadirán un título tercero relativo a cheques, y un título cuarto relativo a cartas de crédito.

2. Procédase, por medio de una comisión de jurisconsultos que se designe al efecto—o de la Alta Comisión Interamericana—a redactar un proyecto para la ley a que se refiere la resolución anterior, revisando cuidadosamente el texto del reglamento de La Haya, formulando las adiciones que corresponden a las materias nuevas, y teniendo en cuenta, en general, tanto los principios doctrinales y científios del derecho cambiario, como las condiciones y necesidades del comercio en nuestro continente.

APPENDIX 58

RESOLUTION

[UNIFORM LAW ON BILLS OF EXCHANGE]

The Sixth International Conference of American States,

RESOLVES:

1. To recommend to the states which form the Pan American Union the adoption of a uniform law on bills of exchange and other commercial papers, to be based upon the regulations approved at The Hague in 1912, with the following amendment:

(i) The chapter denominated "On conflicts of laws" and therefore Articles 74, 75, and 76, which constitute it, shall be eliminated from Title I of the regulations relative to bills of exchange.

(ii) Commercial paper equivalent to the bill of exchange, the draft and the money order shall be the subject of the provisions of said Title I, the preferential use of the word "draft" in designating all of them being recommended.

(iii) The voucher shall be the subject of the provisions of Title II, dealing with promissory notes, as commercial paper equivalent to the latter.

(iv) A third title, dealing with checks, and a fourth title, dealing with letters of credit, shall be added.

2. A commission of jurists, to be appointed for the purpose—or the Inter-American High Commission—shall proceed to draft a project of law to which the preceding resolution refers, carefully revising the text of the Hague regulations, formulating the additions which pertain to the new subjects, and, in general, taking into consideration both doctrinary and scientific principles of the laws regulating foreign exchange and the conditions and needs of commerce on our continent.

3. Una vez que se haya cumplido la anterior resolución, sométase el proyecto de ley uniforme que se redacte, a la consideración de la próxima Conferencia Internacional Americana, para que tome una resolución definitiva respecto a la adopción formal de dicha ley por las naciones del continente.

4. Como una contribución a los trabajos que deben desarrollarse, según las resoluciones anteriores, se acompaña un primer ante-proyecto de ley uniforme, en el que se expresan al frente de cada precepto, los motivos que esta Sexta Conferencia Internacional Americana ha tenido para proponerlo.

Esta resolución será sometida al comité técnico de "enquette" correspondiente, a fin de que proceda a preparar un proyecto de ley.

3. Once the preceding resolution has been complied with, the project of uniform law drafted shall be submitted to the consideration of the next International Conference of American States, to the end that it may reach a definitive decision with regard to the formal adoption of said law by the nations of this continent.

4. A preliminary draft of a project of uniform law in which the reasons why the Sixth International Conference of American States proposed it are expressed opposite each precept, is attached hereto as a contribution to the work which must be undertaken pursuant to the preceding resolutions.

This resolution shall be submitted to the corresponding technical commission of investigation to the end that it proceed to prepare a project of law.

APÉNDICE 59

RESOLUCIÓN

[LEGISLACIÓN SOBRE LA ORGANIZACIÓN DE SOCIEDADES ANÓNIMAS]

La Sexta Conferencia Internacional Americana,

RESUELVE:

1. Recomendar a los países de la Unión Panamericana que reformen su legislación en el sentido de permitir la organización de sociedades anónimas sin que se expresen ni el valor de su capital ni el de sus acciones y cuyas acciones puedan estar divididas en diversas categorías con derechos diferentes respecto a voto y a otros actos de gestión y a la participación limitada o no en el haber social y en las ganancias;

2. Que se facilite la hipoteca de bienes futuros sujetando su efectividad sólo a la adquisición de esos bienes y al registro o a otras formalidades que no requieran el consentimiento del deudor; que permitan la emisión de diversas clases de bonos y otras obligaciones, con o sin garantía, pudiendo dar o no participación a los acreedores en la gestión de los negocios sociales; y que no exijan que las hipotecas que garanticen esos bonos y obligaciones se limiten definitivamente a una cantidad determinada.

APPENDIX 59

RESOLUTION

[LEGISLATION ON THE ORGANIZATION OF STOCK COMPANIES]

The Sixth International Conference of American States,

RESOLVES:

1. To recommend to the countries of the Pan American Union that they reform their legislation in the sense of permitting the organization of stock companies without their expressing either the value of their capital or that of their shares, and whose shares may be divided into several categories with different rights in respect to voting and other activities in the management of the corporation, and permit limited or unlimited participation in the company assets and in the profits;

2. That mortgaging of future property be facilitated by subjecting its effectiveness only to the acquisition of such property and to the registration or other formalities not requiring the debtor's consent; that the issuance of different kinds of bonds and other obligations, with or without guaranty, whether or not granting participation to the creditors in the conduct of corporate affairs, be permitted; and that no requirement be made to the end that mortgages guaranteeing those bonds and obligations be definitely limited to a fixed amount.

APÉNDICE 60

RESOLUCIÓN

[ARBITRAJE COMERCIAL]

La Sexta Conferencia Internacional Americana,

RESUELVE:

1. Recomendar que se organicen cámaras de comercio en los centros comerciales del continente americano en donde exista un movimiento de exportación e importación cuya importancia justifique el establecimiento de tales asociaciones y que estas cámaras de comercio celebren entre sí convenios para el arbitraje extrajudicial de las controversias mercantiles;

2. Que las asociaciones e instituciones del comercio y de la industria de las repúblicas americanas hagan por todos los medios a su alcance propaganda de palabra y de hecho para establecer un sistema que permita solucionar fácil y satisfactoriamente las diferencias que ocurran entre comerciantes e industriales;

3. Se recomienda a la Alta Comisión Interamericana el estudio del principio del arbitraje obligatorio como medio de resolver las diferencias que se susciten entre comerciantes domiciliados en diferentes países.

APPENDIX 60

RESOLUTION

[COMMERCIAL ARBITRATION]

The Sixth International Conference of American States,

RESOLVES:

1. To recommend that chambers of commerce be organized in the commercial centers of the American continent where the export and import traffic justifies the establishment of such associations, and that these chambers of commerce reach agreements between themselves for the extrajudicial arbitration of commercial controversies;

2. That the commercial and industrial associations or institutions of the American republics encourage by all possible means, by words and by acts, the establishment of a system that will permit of easy and satisfactory solutions of the differences that may occur between merchants and manufacturers;

3. The Inter American High Commission is recommended to study the principle of obligatory arbitration as the means of solving the differences between merchants residing in different countries.

APÉNDICE 61

RESOLUCIÓN

[COMISIÓN INTERAMERICANA DE MUJERES]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Que se constituya una Comisión Interamericana de Mujeres, encargada de preparar la información jurídica y de cualquier otra naturaleza que pueda considerarse conveniente para que la Séptima Conferencia Internacional Americana, pueda abordar el estudio de la igualdad civil y política de la mujer en el continente.

Dicha comisión será integrada por siete mujeres de diversos países de América designada por la Unión Panamericana, completándose después por la misma comisión hasta tener una representación de cada país de América.

APPENDIX 61

RESOLUTION

[INTER-AMERICAN COMMISSION OF WOMEN]

The Sixth International Conference of American States,

RESOLVES:

That an Inter-American Commission of Women be constituted to take charge of the preparation of juridical information and data of any other kind which may be deemed advisable to enable the Seventh International Conference of American States to take up the consideration of the civil and political equality of women in the continent.

Said commission shall be composed of seven women from various countries of America appointed by the Pan American Union, this number to be increased by the commission itself until every republic in America has a representative on the commission.

APÉNDICE 62

RESOLUCIÓN

[CIRCULACIÓN DE REVISTAS Y OTRAS PUBLICACIONES]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Recomendar a los Estados de la Unión Panamericana:

1. Que los libros, folletos, revistas y demás publicaciones enviadas como encomiendas postales y los impresos despachados con faja sean favorecidos:

a) Por una mayor celeridad y simplificación en la expedición y recepción;

b) Por una disminución de las tarifas actuales.

2. Que todos los signatarios de la convención de Estocolmo apliquen efectivamente a los libros, folletos y publicaciones periódicas, la reducción del cincuenta por ciento como mínimum sobre la tarifa general que establece el artículo 34 de dicha convención. Los estados que no se hubieran adherido a ella concederían igual rebaja, en la proporción que sus leyes internas se lo permitan.

3. Que se tomen las medidas necesarias para que los periódicos y revistas de cualquiera de los países americanos que circulen en otro u otros sean franqueados libres de porte en los correos oficiales.

4. Que los derechos de aduanas sean suprimidos o reducidos, tanto para los libros a la rústica como para los empastados, siempre que la encuadernación no sea de lujo.

APPENDIX 62

RESOLUTION

[CIRCULATION OF MAGAZINES AND OTHER PUBLICATIONS]

The Sixth International Conference of American States,

RESOLVES:

To recommend to the states of the Pan American Union:

1. That books, pamphlets, magazines and other publications forwarded by parcel post, and pamphlets sent in wrappers, be favored:

a) By greater rapidity and simplification in their forwarding and receipt;

b) By a reduction of the present rates.

2. That all the signatories of the Stockholm convention effectively apply to books, pamphlets and periodical publications the reduction of 50 per cent established by Article 34 of said convention as a minimum, upon the general rates. The states that have not adhered to it shall grant the same reduction in such proportion as their internal laws may permit.

3. That the necessary measures be taken so that newspapers and magazines from any of the American countries circulating in others be franked free of charge in the official postal services.

4. That customs duties be eliminated or reduced, both on unbound and bound books, provided the binding is not *de luxe*.

APÉNDICE 63

RESOLUCIÓN

[REVISIÓN DE TRATADOS]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Considerando: *a*) que ocurre a menudo que los programas de las Conferencias Panamericanas contienen importantes temas no acompañados por los correspondientes estudios técnicos, máxime si se trata de revisión de tratados o convenciones; *b*) que es preciso ilustrar el criterio de los señores delegados, llamando su atención sobre los puntos primordiales del tema inscrito:

1. Recomendar a la Unión Panamericana que, al inscribir en los programas de las conferencias temas relacionados con la modificación o la alteración de convenciones o tratados mande practicar con un plazo prudencial estudios técnicos sobre la materia;

2. La Unión Panamericana presentará a las Conferencias Internacionales Americanas una serie de proposiciones basadas en el texto de los estudios técnicos y que servirán de base segura a la discusión.

APPENDIX 63

RESOLUTION

[REVISION OF TREATIES]

The Sixth International Conference of American States,

RESOLVES:

Whereas: (*a*) It often happens that the programs of Pan American Conferences contain important subjects not accompanied by the technical studies pertinent thereto, and more so if it be a matter of revision of treaties or conventions; and (*b*) it is necessary to enlighten the criterion of the delegates, calling their attention to the most important points of the subject inserted:

1. To recommend to the Pan American Union that in inserting in the programs of the conferences subjects related to the revision or alteration of conventions or treaties, it direct that technical studies on the subject be made within a reasonable length of time;

2. The Pan American Union shall submit to the International Conference of American States a series of propositions based upon the text of the technical studies which shall serve as a safe basis for the discussion.

APÉNDICE 64

RESOLUCIÓN

PELÍCULAS CINEMATOGRÁFICAS]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Recomendar a cada uno de los Gobiernos Americanos que ejerza en la mayor medida posible la vigilancia de la producción y exhibición de películas cinematográficas para evitar que se ofrezcan al público o distribuyan películas que, ya sea por falta de veracidad al representar el carácter nacional o las costumbres de cualquier país americano, o por su índole perjudicialmente tendenciosa, o por cualquier otro motivo, sean susceptibles de ofender el sentimiento público de ese país.

APPENDIX 64

RESOLUTION

[MOTION-PICTURE FILMS]

The Sixth International Conference of American States,

RESOLVES:

To recommend to each one of the American Governments that they exercise in the greatest measure possible vigilance over the production and exhibition of moving-picture films in order to obviate the offering to the public or the distribution of films which, because of lack of veracity in representing the national character or customs of any American country, or through a prejudicial tendency or any other motive, may be susceptible of offending the public sentiment of said country.

APÉNDICE 65

RESOLUCIÓN

[INSTITUTO INTERAMERICANO DE COOPERACIÓN INTELECTUAL Y CONGRESO DE RECTORES, DECANOS Y EDUCADORES]

La Sexta Conferencia Internacional Americana,

RESUELVE:

ARTÍCULO 1

Con el objeto de coadyuvar y sistematizar las actividades que tiendan a establecer la cooperación intelectual entre las naciones del continente americano en las ramas de las ciencias, las artes y las letras, créase el Instituto Interamericano de Cooperación Intelectual.

ARTÍCULO 2

El Instituto Interamericano de Cooperación Intelectual tendrá por fines inmediatos:

a) Activar y sistematizar el intercambio de profesores y estudiantes tanto universitarios como secundarios y primarios entre los diversos países americanos;
b) Fomentar en las escuelas secundarias y superiores de todos los países americanos la creación de cátedras especiales de historia, geografía, literatura, sociología, higiene y derecho, principalmente constitucional y comercial, de todos los estados signatarios;
c) Prestigiar la creación de la ciudad universitaria o casa del estudiante en los países de América.

ARTÍCULO 3

A los efectos consignados en el artículo anterior, se autoriza al Consejo Directivo de la Unión Panamericana para que, a la brevedad posible, se dirija a los respectivos gobiernos haciéndoles conocer lo dispuesto en el artículo anterior y recabar de ellos las informaciones, datos y opiniones que fueren necesarios para la redacción de un ante-proyecto en el cual se establecerán las bases para la organización, administración y funcionamiento del instituto y todas aquellas reglas que contribuyan a difundir la cultura intelectual interamericanas; ante-proyecto

APPENDIX 65

RESOLUTION

[INTER-AMERICAN INSTITUTE OF INTELLECTUAL COOPERATION AND CONGRESS OF RECTORS, DEANS, AND EDUCATORS]

The Sixth International Conference of American States,

RESOLVES:

ARTICLE 1

That with a view to assisting and systematizing the activities that tend to establish intellectual cooperation in the branches of science, arts and letters between the nations of the American continent, the "Inter-American Institute of Intellectual Cooperation" is established.

ARTICLE 2

The Inter-American Institute of Intellectual Cooperation shall have for its immediate aims:

a) To stimulate and systematize the exchange of professors and students, whether from universities or high and primary schools, of the different American countries;
b) To promote in the secondary and superior schools of all the American countries the creation of special chairs of history, geography, literature, sociology, hygiene and law, principally constitutional and commercial law, of all the signatory states;
c) To favor the creation of a university town, or students' home, in the countries of America.

ARTICLE 3

That to the ends mentioned in the foregoing article, the Governing Board of the Pan American Union is authorized to communicate with the respective governments as soon as possible for the purpose of notifying them of the provisions of the aforementioned article, and with a view to requesting from them the submission of reports, data and opinions that may be necessary for the formulation of a preliminary draft of a project establishing the bases of the organization, administration and functioning of the institute in

que será elevado a la consideración de los países signatarios.

ARTÍCULO 4

La Unión Panamericana convocará dentro de dos anos a partir de la presente fecha un congreso de rectores, decanos o educadores en general, el que considerará el ante-proyecto formulado por dicha institución y elaborará los estatutos definitivos del instituto.

ARTÍCULO 5

La Unión Panamericana incluirá en el programa del congreso referido en el artículo anterior la consideración de los temas sugeridos y los proyectos de resolución presentados por los representantes de las Repúblicas de Uruguay, México y Cuba señores Pedro Erasmo Callorda, Julio García y Pedro G. de Medina y Sobrado, respectivamente, así como lo hecho por el Instituto Internacional de Cooperación Intelectual.

ARTÍCULO 6

Mientras se organiza definitivamente el Instituto Interamericana de Cooperación Intelectual, la Unión Panamericana procederá a preguntar a los gobiernos qué número de becas pueden conceder a estudiantes extranjeros, y qué profesores pueden enviar a otros países, para hacer las notificaciones respectivas a fin de que se aprovechen sin pérdida de tiempo unas y otros; fomentar por todos los medios a su alcance la creación de cátedras especiales, costeadas o subvencionadas por los gobiernos, para el estudio de las lenguas española, inglesa, portuguesa y francesa y de sus respectivas historias y literaturas y la creación de cátedras especiales en las universidades de los países miembros de la Unión Panamericana para el estudio de la legislación comercial y la historia de las relaciones comerciales y diplomáticas de las repúblicas de América. Por lo que respecta al estudio de la legislación

question, and such regulations as may contribute to disseminate inter-American intellectual culture. This draft shall be submitted to the consideration of the signatory states.

ARTICLE 4

The Pan American Union, within a period of two years from the present date, shall call a congress of rectors, deans or educators in general, which shall take under consideration the preliminary draft of a project prepared by said institution and shall prepare the definitive statutes of the institute.

ARTICLE 5

The Pan American Union shall include in the program of the congress referred to in the previous article the consideration of the subjects suggested and of the drafts of resolutions submitted by the representatives of the Republics of Uruguay, Mexico and Cuba, Messrs. Pedro Erasmo Callorda, Julio García and Pedro G. de Medina y Sobrado, respectively, as well as that which has been done by the International Institute of Intellectual Cooperation.

ARTICLE 6

Pending the definitive organization of the Inter-American Institute of Intellectual Cooperation, the Pan American Union will proceed to inquire of the governments what number of scholarships they may grant to foreign students and what professors they may send to other countries, in order to effect the pertinent notifications to the end that both may be availed of without loss of time; to encourage and promote by all means within its power the creation of special chairs, supported or subsidized by the governments, for the study of the Spanish, English, Portuguese and French languages and their respective histories and literatures, as well as the creation of special chairs in the universities of the countries members of the Pan American Union, for the purpose of studying commercial legislation and the history of commercial and diplomatic relations between the American republics. With respect to the study of comparative

comercial comparada, la Unión procederá inmediatamente a reunir los datos y literatura necesarios para el caso.

ARTÍCULO 7

Los idiomas oficiales del Instituto Interamericano de Cooperación Intelectual serán el español, el inglés, el portugués y el francés.

ARTÍCULO 8

La Unión Panamericana determinará la sede donde deba reunirse el congreso a que se refiere el artículo cuarto. Ese congreso determinará la sede central del instituto.

commercial legislation, the Union will immediately proceed to assemble the data and literature necessary therefor.

ARTICLE 7

The official languages of the Inter-American Institute of Intellectual Cooperation shall be Spanish, English, Portuguese, and French.

ARTICLE 8

The Pan American Union shall fix the place for the gathering of the congress to which Article IV refers. This congress shall fix the principal seat of the Institute.

APÉNDICE 66

RESOLUCIÓN

[ENSEÑANZA DE RUDIMENTOS DE ECONOMÍA POLÍTICA Y SOCIAL]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Recomendar a los países americanos que en sus planes de primera instrucción incorporen la enseñanza de rudimentos financieros, de economía política y social y de otros que puedan dar idea al alumno de las bases constitucionales de los estados.

APPENDIX 66

RESOLUTION

[PRIMARY COURSES IN POLITICAL AND SOCIAL ECONOMY]

The Sixth International Conference of American States,

RESOLVES:

To recommend to the American countries that in their programs of primary instruction they include the teaching of elementary finance, political and social economy, and other subjects which may give the student an idea of the constitutional bases of the states.

APÉNDICE 67

RESOLUCIÓN

[JUBILACIÓN, PENSIÓN, Y MONTEPÍO PARA LOS PERIODISTAS]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Recomendar a los países de América:

1. Que reconozcan al periodismo su categoría de función pública;

2. Que establezcan en sus legislaciones la jubilación, pensión y montepío para los obreros intelectuales y manuales de la prensa diaria y periódica, incluyendo en ella a los corresponsales noticiosos o agentes de informaciones;

3. Que la caja de pensiones, jubilaciones y montepío esté formada por los aportes: *a*) de los beneficiados; *b*) de las empresas de prensa; *c*) por subsidios fiscales; *d*) por donaciones e ingresos extraordinarios.

Cada país determinará la proporcionalidad de estos aportes, conforme a sus propias modalidades.

APPENDIX 67

RESOLUTION

[JOURNALISTS' PENSION AND RETIREMENT FUNDS]

The Sixth International Conference of American States,

RESOLVES:

To recommend to the countries of America:

1. That they recognize journalism as a public service;

2. That they incorporate in their legislations the retirement, pensioning and financing of intellectual and manual workers of the daily and periodic press, including news correspondents or information agents;

3. That the pension, retirement and finance fund be made up of contributions from the following sources: (*a*) benefit performances; (*b*) press undertakings; (*c*) fiscal subsidies; (*d*) extraordinary donations and receipts.

Each country shall determine the proportion of these contributions in accordance with its own means.

APÉNDICE 68

RESOLUCIÓN

[VIGILANCIA DE FRONTERAS]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Recomendar a los gobiernos que consideren los medios más ventajosos no sólo de vigilar sus fronteras recíprocas, sino también de llegar a una mejor y más segura convivencia en sus relaciones de vecindad y de propender a los altos fines de la justicia en la mayor medida posible.

APPENDIX 68

RESOLUTION

[FRONTIER POLICE]

The Sixth International Conference of American States,

RESOLVES:

To recommend to the governments that they consider the most advantageous means, not only for the vigilance of their reciprocal frontiers, but also for the attainment of a better and safer relationship in their neighborly intercourse, and of promoting the lofty aims of justice in the largest possible measure.

APÉNDICE 69

RESOLUCIÓN

[CONFERENCIA SOBRE CONCILIACIÓN Y ARBITRAJE]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Por cuanto: Que las Repúblicas americanas desean expresar que condenan la guerra como instrumento de política nacional en sus relaciones mutuas; y

Por cuanto: Que las Repúblicas americanas tienen el más ferviente deseo de contribuir de todas las maneras posibles al desarrollo de los métodos internacionales para el arreglo pacífico de los conflicos entre los estados:

1. Que las Repúblicas de América adoptan el arbitraje obligatorio como el medio que emplearán para la solución pacífica de sus diferencias internacionales de carácter jurídico.

2. Que las Repúblicas de América se reunirán en Wáshington en el término de un año, en una conferencia de conciliación y arbitraje para dar forma convencional a la realización de este principio con el mínimum de excepciones que se consideren indispensables para salvaguardar la independencia y la soberanía de los estados, así como el ejercicio de ésta en los asuntos de orden interno, y con exclusión también de las materias que envuelvan el interés o se refieran a la acción de un estado que no sea parte de la convención.

3. Que los Gobiernos de las Repúblicas de América enviarán a ese efecto jurisconsultos plenipotenciarios con instrucciones sobre el máximum y el mínimum que aceptarían en la extensión de la jurisdicción arbitral obligatoria.

4. Que la convención o convenciones de conciliación y arbitraje que lleguen a celebrarse deben dejar abierto un

APPENDIX 69

RESOLUTION

[ARBITRATION AND CONCILIATION CONFERENCE]

The Sixth International Conference of American States,

RESOLVES:

Whereas the American Republics desire to express that they condemn war as an instrument of national policy in their mutual relations; and

Whereas the American Republics have the most fervent desire to contribute in every possible manner to the development of international means for the pacific settlement of conflicts between states:

1. That the American Republics adopt obligatory arbitration as the means which they will employ for the pacific solution of their international differences of a juridical character.

2. That the American Republics will meet in Washington within the period of one year in a conference of conciliation and arbitration to give conventional form to the realization of this principle, with the minimum exceptions which they may consider indispensable to safeguard the independence and sovereignty of the states, as well as matters of a domestic concern, and to the exclusion also of matters involving the interest or referring to the action of a state not a party to the convention.

3. That the governments of the American Republics will send for this end plenipotentiary jurisconsults with instructions regarding the maximum and the minimum which they would accept in the extension of obligatory arbitral jurisdiction.

4. That the convention or conventions of conciliation and arbitration which may be concluded should leave

protocolo de arbitraje progresivo que permita el desarrollo de esta benéfica institución hasta su máximum.

5. Que la convención o convenciones que se concertaren, una vez firmadas, deberán ser sometidas inmediatamente a los respectivos gobiernos para su ratificación en el menor tiempo posible.

open a protocol for progressive arbitration which would permit the development of this beneficent institution up to its maximum.

5. That the convention or conventions which may be agreed upon, after signature, should be submitted immediately to the respective governments for their ratification in the shortest possible time.

APÉNDICE 70

RESOLUCIÓN

RATIFICACIÓN DE LA CONVENCIÓN FIRMADA EN 1923 SOBRE DESIGNACIÓN DE COMISIONES DE INVESTIGACIÓN]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Recomendar a los gobiernos de los estados de América, tanto a aquellos que la hayan suscrito como a los que se adhirieron posteriormente o hayan de adherirse a ella, que ratifiquen cuanto antes fuere posible la convención firmada en Santiago de Chile el 3 de mayo de mil novecientos veinte y tres, sobre establecimiento y funcionamiento de comisiones especiales para la investigación de conflictos internacionales.

APPENDIX 70

RESOLUTION

[RATIFICATION OF THE CONVENTION OF 1923 PROVIDING FOR COMMISSIONS OF INVESTIGATION]

The Sixth International Conference of American States,

RESOLVES:

To recommend to the governments of the states of America, both those which have subscribed and those which subsequently adhered or may adhere to it, the ratification, as soon as possible, of the convention signed in Santiago de Chile, May 3, nineteen hundred and twenty-three, relative to the establishment and operation of special commissions for the investigation of international conflicts.

APÉNDICE 71

RESOLUCIÓN

[HOMENAJE AL DOCTOR ALVAREZ]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Reconocer y aplaudir la labor de reconstrucción científica del derecho internacional realizada por el ilustre jurisconsulto doctor Alejandro Alvarez, mediante los trabajos presentados a la primera y segunda Asamblea de Jurisconsultos de Río de Janeiro y a la Quinta y Sexta Conferencias Panamericanas, y recomienda esos trabajos científicos para que sean tenidos en cuenta por las futuras conferencias que se ocupen de la codificación del derecho internacional.

APPENDIX 71

RESOLUTION

[TRIBUTE TO DOCTOR ALVAREZ]

The Sixth International Conference of American States,

RESOLVES:

To recognize and applaud the work of scientific reconstruction of international law carried out by the illustrious jurist, Dr. Alejandro Alvarez, through the reports presented to the first and second Assembly of Jurists of Rio de Janeiro, and to the Fifth and Sixth Pan American Conferences, and recommends that those scientific works be taken into account by future conferences which may deal with the codification of international law.

APÉNDICE 72

RESOLUCIÓN

[ADHESIÓN A LAS CONVENCIONES SOBRE DERECHO MARÍTIMO]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Recomendar a los estados americanos, que no lo hayan hecho todavía, la adhesión a las convenciones de Bruselas sobre asistencia y salvamento y de abordaje de 23 de septiembre de 1910, a la de privilegios e hipoteca naval de 10 de abril de 1926 y a la de limitación de la responsabilidad de los armadores, de noviembre de 1922.

Se recomienda al Consejo Directivo de la Unión Panamericana que dé los pasos necesarios ante los diversos gobiernos de la Unión para obtener cuanto antes esa adhesión a fin de contribuir así a que haya en todo el mundo leyes uniformes en materia de derecho marítimo.

APPENDIX 72

RESOLUTION

ADHERENCE TO THE MARITIME-LAW CONVENTIONS]

The Sixth International Conference of American States,

RESOLVES:

To recommend to the American states which have not as yet done so, their adherence to the conventions of Brussels on assistance, salvage and collision, of September 23, 1910, and also to that on privileges and naval mortgages of April 10, 1926, and to the one on limitation of shipowners' liability, of November 1922.

The Governing Board of the Pan American Union is requested to take the necessary steps with the different governments members of the Union in order to obtain, as soon as possible, their adherence, contributing thus to the establishment of uniform maritime laws all over the world.

APÉNDICE 73

RESOLUCIÓN

[CODIFICACIÓN FUTURA DEL DERECHO INTERNACIONAL]

La Sexta Conferencia Internacional Americana,

RESUELVE:

1. La formulación futura del derecho internacional se hará mediante la preparación técnica debidamente organizada, con la cooperación de los comités de investigación y coordinación internacional y de los institutos científicos que más adelante se expresan.

2. La Comisión Internacional de Jurisconsultos de Río de Janeiro, se renuirá, en las fechas que fijen los gobiernos respectivos, para realizar trabajos de codificación de derecho internacional público y privado, quedando encargada la Unión Panamericana de provocar el acuerdo pertinente, a los efectos de su reunión.

3. Se organizarán tres comités permanentes, uno en Río de Janeiro, para los trabajos de derecho internacional público; otro en Montevideo, para los trabajos de derecho internacional privado, y otro en la Habana, para realizar estudios de legislación comparada y unificación de legislaciones. Las funciones de dichos organismos, serán:

a) Presentar a los gobiernos un cuadro o relación de las materias susceptibles de codificación y de uniformidad de legislaciones, comprensivo de las que estén en condiciones definidas de ser objeto de regulación y formulación y de aquellas en que la experiencia internacional y los nuevos principios y aspiraciones de justicia induzcan a promover prudentes desarrollos jurídicos.

La presentación de ese cuadro tendría por objeto, obtener de los gobiernos la indicación de las materias que a juicio de ellos, puedan ser objeto de estudio para servir de base, a la formulación de reglas convencionales o de declaraciones orgánicas.

APPENDIX 73

RESOLUTION

[FUTURE CODIFICATION OF INTERNATIONAL LAW]

The Sixth International Conference of American States,

RESOLVES:

1. That the future formulation of international law shall be effected by means of technical preparation, duly organized, with the cooperation of the committees on investigation and international coordination and of the scientific institutes hereinafter mentioned.

2. That the International Commission of Jurists of Rio de Janeiro shall meet on the dates which may be appointed by the respective governments, for the purpose of undertaking the codification of public and private international law, the Pan American Union being entrusted with furthering the agreement necessary to bring about its meeting.

3. That three permanent committees shall be organized, one in Rio de Janeiro, for the work relating to public international law; another at Montevideo, for the work dealing with private international law; and another in Habana, for the study of comparative legislation and uniformity of legislations. Said bodies shall have the following functions:

a) To present to the governments a report or statement of the matters which are ready for codification and legislative uniformity comprising those definitely subject to regulation and formulation, as well as those regarding which international experience and the new principles and aspirations of justice may indicate require prudent juridical development.

This report would be presented for the purpose of having the governments indicate which matters they deem susceptible to study to the end that they may be used as a basis in the formulation of conventional rules or fundamental declarations.

b) Clasificar, con vista del citado cuadro y de las respuestas de los gobiernos, las materias de que se trata, en esta forma: 1) Materias que están en condiciones de codificación por reunir el consentimiento unánime de los gobiernos; 2) Materias susceptibles de ser promovidas como codificables por reunir la opinion no unánime pero predominante de los gobiernos; 3) Materias respecto de las cuales no existe opinión dominante para una regulación inmediata.

c) Presentar a los gobiernos la anterior clasificación a fin de obtener de ellos sus ideas generales sobre la manera, cómo podrían ser planteados y resueltos los problemas jurídicos de las materias codificables, así como todas las informaciones y antecedentes jurídicos, legales, políticos, diplomáticos y de cualquier otro orden que conduzcan a un completo esclarecimiento.

d) Solicitar y obtener de las sociedades nacionales de derecho internacional, su opinión científica y sus puntos de vista generales, sobre la regulación y formulación de las cuestiones jurídicas que sean objeto de los comités.

e) Organizar todo el material anterior y remitirlo con formulación de los primeros anteproyectos a la Unión Panamericana, la que los someterá al examen científico del consejo directivo del Instituto Americano de Derecho Internacional para que rinda un estudio técnico de tales anteproyectos y presente conclusiones y fórmulas, debidamente explicadas, en un informe sobre la materia.

4. Asimismo se oirá el parecer de la Alta Comisión Interamericana, en aquellas materias económicas, financieras y marítimas, en concepto de cuerpo técnico de cooperación.

5. Presentados los estudios y las fórmulas mencionadas, se pondrán en conocimiento de los gobiernos, quienes podrán acordar la reunión de la Comisión de Jurisconsultos, si lo creyeren conveniente o la inclusión de ellos en el programa de una próxima Conferencia Internacional.

b) To classify, in view of the aforementioned statement and of the answers given by the governments, the matters submitted to discussion, in the following form: (1) Subjects which are in proper condition for codification, because they have been unanimously consented to by the governments; (2) Matters susceptible of being proposed as subject to codification because, although not unanimously endorsed by, they represent a predominant opinion on the part of most governments; (3) Matters respecting which there is no predominant opinion, in favor of immediate regulation.

c) To present to the governments the foregoing classifications, in order to learn their general views as to the manner in which the juridical problems of codifiable matters could be enunciated and resolved, together with all juridical, legal, political, and diplomatic data and antecedents which may lead to a full clarification of the subject.

d) To solicit and obtain from the national societies of international law scientific opinions and general views on the regulation and formulation of the juridical questions entrusted to the committees.

e) To compile all the aforementioned material for its transmission, together with draft-projects thereon, to the Pan American Union, which shall submit them to the executive council of the American Institute of International Law to the end that through a scientific consideration thereof the latter may make a technical study of such draft-projects and present its findings and formulas, in a report on the matter.

4. That the opinion of the Inter American High Commission shall likewise be heard, as that of a technical cooperative body, on those matters of an economic, financial and maritime nature.

5. That after said studies and formulas are presented, they shall be communicated to the governments, which may agree upon the advisability of convening the Commission of Jurists, or else have them incorporated into the program of a forthcoming International Conference.

6. Para incluir en el programa de las Conferencias Internacionales Americanas, las materias susceptibles de codificación o de uniformidad legislativa, así como para incluirlas en el programa de los trabajos de la Comisión de Jurisconsultos, en el caso que así se acordare, será necesario que los gobiernos hayan conocido los anteproyectos y antecedentes mencionados, por lo menos, con un año de anticipación.

7. Los tres comités anteriormente mencionados, serán formados por los gobiernos con miembros de las respectivas sociedades nacionales de derecho internacional. Se comunicarán con los gobiernos y con el consejo directivo del instituto, por medio de la Unión Panamaricana.

8. Cuando ello fuere considerado oportuno podrá constituirse una Comisión de Jurisconsultos, versados en las legislaciones civiles de los países de América, a fin de que procedan al estudio de dichas legislaciones y redacten un proyecto de legislación civil uniforme para los países de América, especialmente de la América Latina, escogiendo los medios para obviar los inconvenientes que resultan de la diversidad de legislaciones.

9. La Unión Panamericana, en cuanto lo permitan sus estatutos cooperará en los trabajos preparatorios a que se refieren los artículos anteriores.

6. That in order to include in the program of the International Conferences of American States the matters susceptible of codification or uniformity of legislation, and also for their incorporation into the agenda of the Commission of Jurists, whenever agreed upon, it shall be necessary that the governments have the draft-projects and antecedents for study at least one year in advance.

7. That the three aforementioned committees shall be constituted by the governments with members of the respective national societies of international law. Communication with the governments and with the executive council of the institute shall be conducted through the Pan American Union.

8. That a Commission of Jurists, learned in the civil legislation of the American countries, may be constituted whenever deemed advisable, in order to undertake the study of said legislation and the drafting of a project of uniform civil legislation for the American nations, especially those of Latin America, choosing the proper means to obviate the inconveniences resulting from the diversity of legislations.

9. That the Pan American Union, in so far as its statutes may permit, shall cooperate in the preparatory work to which the foregoing articles refer.

APÉNDICE 74

RESOLUCIÓN

[ORGANIZACIÓN JUDICIAL PARA PONER EN VIGOR LOS ACUERDOS DE LA CONFERENCIA]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Recomendar a los comités técnicos que han de ocuparse del derecho internacional privado, el estudio de los mejores medios para la organización judicial en cada país, al efecto de la perfecta aplicación de los acuerdos de la Conferencia, sin perjuicio de su vigencia inmediata, en cuanto sean ratificados, por medio de los órganos actualmente existentes.

APPENDIX 74

RESOLUTION

[JUDICIAL ORGANIZATION TO GIVE EFFECT TO AGREEMENTS OF THE CONFERENCE]

The Sixth International Conference of American States,

RESOLVES:

To recommend to the technical committees which shall deal with private international law the study of the best means for the organization of the judiciary in each country, to the end that the decisions of the Conference may be carried out to perfection and without detriment to their enforcement, immediately upon being ratified, through the means already in existence.

APÉNDICE 75

RESOLUCIÓN

[RESOLUCIONES APROBADAS EN CONFERENCIAS PRECEDENTES]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Instar a los Gobiernos de las Repúblicas de América el estudio y revisión de las resoluciones aprobadas en las cinco conferencias precedentes, y a que informen a la Unión Panamericana, para que ésta lo trasmita a la Séptima Conferencia Internacional Americana, las razones por las cuales no se ejecutan las resoluciones que no hayan sido modificadas o sustituídas por la Sexta Conferencia, o no fueran aplicadas después de tal revisión.

APPENDIX 75

RESOLUTION

[RESOLUTIONS OF PREVIOUS CONFERENCES]

The Sixth International Conference of American States,

RESOLVES:

To urge the Governments of the American Republics to study and review the resolutions approved in the five preceding conferences, and to report to the Pan American Union, for transmission to the Seventh International Conference of American States, their reasons for not carrying out the resolutions which have not been modified or substituted by the Sixth International Conference or for not executing those which have undergone such revision.

APÉNDICE 76

RESOLUCIÓN

[AGRESIÓN]

La Sexta Conferencia Internacional Americana,

Considerando:

Que las naciones americanas deberán siempre inspirarse en la cooperación solidaria para la justicia y el bien general;

Que nada se opone tanto a esa cooperación como el uso de la violencia;

Que no hay controversia internacional, por seria que sea, que no se pueda arreglar pacíficamente, si las partes desean, en realidad, alcanzar una solución pacífica;

Que la guerra de agresión constituye un crimen internacional contra el género humano;

RESUELVE:

1. Toda agresión se considera ilícita y por tanto se declara prohibida.

2. Los estados americanos emplearán todos los medios pacíficos para resolver los conflictos que entre ellos se susciten.

APPENDIX 76

RESOLUTION

[AGGRESSION]

The Sixth International Conference of American States,

Considering:

That the American nations should always be inspired in solid cooperation for justice and the general good;

That nothing is so opposed to this cooperation as the use of violence;

That there is no international controversy, however serious it may be, which can not be peacefully arranged if the parties desire in reality to arrive at a pacific settlement;

That war of aggression constitutes an international crime against the human species;

RESOLVES:

1. All aggression is considered illicit and as such is declared prohibited.

2. The American states will employ all pacific means to settle conflicts which may arise between them.

APÉNDICE 77

RESOLUCIÓN

[BASES FUNDAMENTALES DEL DERECHO INTERNACIONAL Y ESTADOS]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Recomendar que se incluya en el programa de la Séptima Conferencia Internacional Americana, la consideración de las Bases Fundamentales del Derecho Internacional y Estados.

APPENDIX 77

RESOLUTION

[FUNDAMENTAL BASES OF INTERNATIONAL LAW AND STATES]

The Sixth International Conference of American States,

RESOLVES:

To recommend that there be included in the program of the Seventh International Conference of American States the consideration of the Fundamental Bases of International Law and States.

APÉNDICE 78

RESOLUCIÓN

[ESTUDIO RELATIVO A REDUCIR PERDIDAS POR EL HURTO Y RATERÍA DE CARGA]

La Sexta Conferencia Internacional Americana,

RESUELVE:

Que se remita, para su estudio, al comité técnico permanente creado por ella, y a fin de que pueda ser sometido el asunto a la consideración de la Séptima Conferencia, el proyecto de resolución presentado por la delegación de los Estados Unidos de América relativo a evitar o reducir las pérdidas originadas por el hurto y ratería de mercancías en el tráfico mercantil marítimo. Dice así el referido proyecto de resolución:

1. Llamar la atención de los gobiernos de los estados americanos sobre la importancia de este problema a fin de que tomen las medidas que sean necesarias y practicables para reducir las pérdidas causadas por el hurto y la ratería;

2. Recomendar a los gobiernos de los estados americanos que decreten las leyes que sean necesarias a fin de hacer castigable con penas severas el crimen del hurto y rateo de carga.

APPENDIX 78

RESOLUTION

[STUDY OF MEASURES TO REDUCE LOSSES THROUGH THEFT AND PILFERAGE OF CARGO]

The Sixth International Conference of American States,

RESOLVES:

To send to the permanent technical committee it has created, so that the matter may be studied and then submitted to the consideration of the Seventh Conference, the project of resolution introduced by the delegation of the United States of America relative to the prevention or lessening of the losses caused by thefts and pilferage of goods in mercantile maritime traffic. The project of resolution referred to reads as follows:

1. To call the attention of the governments of the American states to the importance of this problem so that they may adopt the necessary and practical measures to prevent losses arising from theft and pilferage;

2. To recommend to the governments of the American states that they enact such laws as may be necessary in order to punish with severe penalties the crimes of theft and pilferage of cargo.

APÉNDICE 79

MOCIÓN

[EXPRESIÓN DE AGRADECIMIENTO AL PRESIDENTE DE LOS ESTADOS UNIDOS DE AMÉRICA]

La Sexta Conferencia Internacional Americana otorga un voto de cálido homenaje y de profunda simpatía en favor del Excelentísimo Presidente de los Estados Unidos de América, Mr. Calvin Coolidge, con motivo de su concurrencia a la instalación de la asamblea, realizada en la ciudad de la Habana, capital de la República de Cuba, el 16 de enero de 1928.

APPENDIX 79

MOTION

[EXPRESSION OF APPRECIATION TO THE PRESIDENT OF THE UNITED STATES OF AMERICA]

The Sixth International Conference of American States proffers warm tribute of deep appreciation to His Excellency Calvin Coolidge, President of the United States of America, for his attendance at the inauguration of the Conference, which took place in the city of Habana, capital of the Republic of Cuba, on January 16, 1928.

APÉNDICE 80

MOCIÓN

VOTO DE GRATITUD Y HOMENAJE AL PRESIDENTE DE LA REPÚBLICA DE CUBA]

La Sexta Conferencia Internacional Americana emite en el acto de su inauguración un voto de gratitud y aplauso en favor del excelentísimo señor general Don Gerardo Machado, Presidente de la República de Cuba.

APPENDIX 80

MOTION

[EXPRESSION OF GRATITUDE AND APPRECIATION TO THE PRESIDENT OF THE REPUBLIC OF CUBA]

The Sixth International Conference of American States at its opening session votes its gratitude and appreciation to His Excellency General Gerardo Machado, President of the Republic of Cuba.

APÉNDICE 81

MOCIÓN

[INVITACIÓN A LOS PROFESORES DE LA UNIVERSIDAD DE LA HABANA PARA CONCURRIR A LAS SESIONES DE LA CONFERENCIA]

La Sexta Conferencia Internacional Americana invita a todos los profesores de la Universidad de la Habana, a presenciar sus debates.

APPENDIX 81

MOTION

[INVITATION TO PROFESSORS OF THE UNIVERSITY OF HABANA TO ATTEND THE SESSIONS OF THE CONFERENCE]

The Sixth International Conference of American States invites all the professors of the University of Habana to attend its debates.

APÉNDICE 82

MOCIÓN

[HOMENAJE A WOODROW WILSON]

La Sexta Conferencia Internacional Americana, al inaugurar sus sesiones, rinde homenaje a la memoria del eminente ciudadano de América, Woodrow Wilson, apóstol de la paz y de la justicia internacional.

APPENDIX 82

MOTION

[TRIBUTE TO WOODROW WILSON]

The Sixth International Conference of American States, upon starting its meetings, renders a tribute to the memory of the eminent citizen of America, Woodrow Wilson, apostle of international peace and justice.

APÉNDICE 83

MOCIÓN

[AUTORIZACIÓN AL PRESIDENTE DE LA CONFERENCIA PARA CONSIDERAR EL INFORME DE LA COMISIÓN DE CREDENCIALES]

La Sexta Conferencia Internacional Americana otorga al Presidente de la misma, poderes para que conozca y resuelva oportunamente acerca del informe de la Comisión de Credenciales.

APPENDIX 83

MOTION

[AUTHORIZATION TO THE PRESIDENT OF THE CONFERENCE TO CONSIDER THE REPORT OF THE COMMITTEE ON CREDENTIALS]

The Sixth International Conference of American States empowers its President to examine and pass upon, at the proper time, the report of the Committee on Credentials.

APÉNDICE 84

MOCIÓN

[HOMENAJE A GUILLERMO A. SHERWELL]

La Sexta Conferencia Internacional Americana, puesta de pie, consagra un recuerdo a Guillermo A. Sherwell, secretario que fué de la Alta Comisión Interamericana.

APPENDIX 84

MOTION

[TRIBUTE TO GUILLERMO A. SHERWELL]

The Sixth International Conference of American States, rising, renders a tribute of remembrance to Guillermo A. Sherwell, former Secretary of the Inter American High Commission.

APÉNDICE 85

MOCIÓN

INVITACIÓN A LAS ASOCIACIONES DE MUJERES PARA PRESENTAR SUS PUNTOS DE VISTA RELATIVOS A LOS DERECHOS DE LA MUJER]

La Sexta Conferencia Internacional Americana,

ACUERDA:

Que en sesión plenaria, y una vez agotada la orden del día, se invite, con carácter extraoficial, a las representaciones de diversas asociaciones femeninas que tenían solicitada al efecto una audiencia, a que expongan ante la Conferencia sus puntos de vista sobre el tema de los derechos civiles y políticos de la mujer.

APPENDIX 85

MOTION

[INVITATION TO WOMEN'S ASSOCIATIONS TO PRESENT THEIR VIEWS RELATIVE TO THE RIGHTS OF WOMEN]

The Sixth International Conference of American States,

AGREES:

To invite, with extra-official character, the representatives of the various feminist associations which have requested an audience, to set forth before the Conference, at a plenary meeting and after its agenda has been exhausted, their viewpoints on the matter of civil and political rights for woman.

APÉNDICE 86

ACUERDO

[CONDICIONES DE LOS OBREROS]

La Sexta Conferencia Internacional Americana,

ACUERDA:

Recomendar al Comité Ejecutivo de la Unión Panamericana, incluya como tema de las próximas Conferencias, a partir de la Séptima, para su estudio y resolución, los problemas relativos al mejoramiento material de los trabajadores, a los *standards* de vida de los mismos y de los países del continente americano.

APPENDIX 86

AGREEMENT

[CONDITION OF WORKERS]

The Sixth International Conference of American States,

AGREES:

To recommend to the Governing Board of the Pan American Union that it include among the topics for study and decision by future Conferences, beginning with the Seventh, all problems relating to the material betterment of laborers, standards of living of the same and of the countries of the American continent.

APÉNDICE 87

ACUERDO

[HOMENAJE AL DOCTOR FINLAY]

La Sexta Conferencia Internacional Americana,

ACUERDA:

Que, como homenaje de admiración, se reconozca el descubrimiento realizado por el doctor Carlos J. Finlay, de la Habana, sobre el medio de trasmisión de la fiebre amarilla y se proclame el mérito que le corresponde por ese genial descubrimiento; por haber sentado las bases para la profilaxis de la fiebre amarilla y haber sido el primero en anunciar, apoyado en pruebas experimentales, la doctrina científica de la trasmisión de enfermedades de hombre a hombre, a través de un agente intermediario.

APPENDIX 87

AGREEMENT

[TRIBUTE TO DOCTOR FINLAY]

The Sixth International Conference of American States,

AGREES:

Whereas Dr. Carlos J. Finlay, of Habana, was the first to announce, supported with experimental evidence, the scientific doctrine of the transmission of disease from man to man through an intermediary agent, thus laying the foundation for the prophylaxis of yellow fever; therefore, it is agreed that his discovery be acknowledged and the credit he deserves for that epochal achievement be proclaimed, as a tribute of admiration from this Conference.

APÉNDICE 88

ACUERDO

[FECHA PARA LA CLAUSURA DE LA CONFERENCIA]

La Sexta Conferencia Internacional Americana,

ACUERDA:

Dar por terminados los trabajos de la Conferencia el día veinte de los corrientes.

APPENDIX 88

AGREEMENT

[DATE OF ADJOURNMENT OF THE CONFERENCE]

The Sixth International Conference of American States,

AGREES:

To bring to a close the labors of the Conference the twentieth day of the current month.

APÉNDICE 89

ACUERDO

[DÁNDOLE AL CÓDIGO DE DERECHO INTERNACIONAL PRIVADO EL NOMBRE DE "CÓDIGO BUSTAMANTE"]

La Sexta Conferencia Internacional Americana,

ACUERDA:

Que al código de derecho internacional privado, aprobado por la Conferencia, se le dé por título oficial, el nombre de "Código Bustamante".

APPENDIX 89

AGREEMENT

[CODE OF PRIVATE INTERNATIONAL LAW TO BE KNOWN AS THE "BUSTAMANTE CODE"]

The Sixth International Conference of American States,

AGREES:

That the code of private international law adopted by the Conference be officially called the "Bustamante Code".

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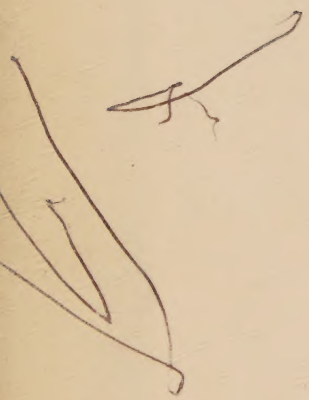

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